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TAMIL CULTURE

JOURNAL OF THE ACADEMY OF TAMIL CULTURE

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The Poet of Revolt

S. J. GUNASEGARAM

'Bharathi Thasan' whose real name is Kanagasabai Suppurathinam, was born in 'Puthuvai', on 29-4-1891. He will be 68 years old on the day this article is handed over to the Editor of *The Tamil Culture*. His father, Kanagasabai Mudaliyar, was a progressive merchant in the then French colony, 'Puducherry'.

After his early education in a French school in his native town, he proceeded to a Tamil School from where, at the close of a brilliant scholastic career, he 'graduated' to become a teacher in a Tamil School, at the age of 18.

An event that was destined to influence greatly his future was the occasion of a friend's marriage feast. He had been invited to sing a few of the songs of the great Bharathi. Bharathi himself, we are told, was present at the function, and was impressed by the rendering of his poems by Suppurathinam. That was his first 'introduction' to the reigning poet of the day, though they did not actually meet on that occasion.

Sometime later, when in the company of his friends, we are told, he was actually introduced to Bharathi. When his friends told the great poet of the talents of Suppurathinam, Bharathi is said to have requested the youth to compose a poem. He sang the now famous poem of 16 lines entitled, 'Sakthi'. The great Bharathi at once recognised in the young man a 'poet'.[1] For nearly ten years later he was an ardent disciple of the older poet. His love and admiration for Bharathi he has expressed in mellifluous

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1 For a fuller description of Bharathi Thasan's early life reference may be made to the volume of his poems published by Pari Nilayam, 59, Broadway, Madras.

language, in a number of poems found in his volume of poems entitled *Bharathi Thasan's Kavithaigal* (Pari Nilayam). In fact today he is more popularly known as 'Bharathi Thasan' (the disciple of Bharathi), in honour of his association with the great Master.

Bharathi Thasan is known to the Tamil world as the 'Poet of Revolt'. Born and bred in a French colony (before India won Swaraj) in the South of India, educated in a French school in his early days, he had imbibed some of that love of freedom, a faith in the equality and brotherhood of man, and a breadth of outlook on the larger problems of religion, politics and social life characteristic of the true Frenchman. Three types of influence must have had a profound effect in shaping his views, and in giving him the impetus and inspiration for his refreshing novelty of style, his courageous approach to the problems confronting the social life of contemporary Tamils, the choice of his subjects and his outspoken condemnation of many things held 'sacred' by his fellow Tamils in their everyday life.

The first and the most significant of these influences, no doubt, was the French environment in which he grew up, and the French education he had received during the formative years of his life. Secondly, a sensitive mind like his must have been greatly moved by the struggle of his great mother country, under the leadership of the Mahatma, against the British Imperialistic hold on India. The third but not the least of the influences was his contact with the great Bharathi and the impact of the soul-animating strains of his fearless literary Guru. Bharathi, by far the greatest of our poets since Kamban, has stirred the hearts of millions of Tamils in a way few poets in the past had done. His range of subjects was wide ; his knowledge of Tamil literature was profound ; his love for the language and his country, and his sympathy for the people, particularly the poor and the down-trodden, were so deep, that his

magnificent gift of poetic expression clothed in words that touched every human emotion and raised it to a pitch never before felt or experienced, must have churned young Suppurathinam's heart too to its very depths. Here are a few lines of tribute to his master :—

> " சீருயர்ந்த கவிஞரிடம் எதிர்பார்க்கின்ற
> செம்மை நலம் எல்லாமும் அவர்பாற்கண்டோம் "

and again

> " பழையநடை, பழங்கவிதை, பழந்தமிழ்நூல்
> பார்த்தெழுதிப் பாரதியார் உயர்ந்தாரில்லை " [2]

There has been a long succession of poets since Kamban of Ramayana fame and Saint Thayumanavar. But the dizzy heights the incomparable 'Emperor of Poesy' and the weaver of quaint magic garlands to the Divine had reached seem to have left the lesser lights that followed so dazzled by their refulgence, that they could give us only pale reflections of their glory, without contributing anything new or striking. It was left to Bharathi and to his brilliant disciple Bharathi Thasan to tune the harp anew and stir us with new melodies and fresh harmonies.

It has been said that to read contemporary literature is not only a pleasure but a duty. It is not enough that we become familiar with the best that has been thought and known in the world in the past. It is equally our duty and pleasure to make ourselves familiar with the best that is thought and known in our own time as well. The culture that confines itself to the literature of the past is an imperfect culture, for all good literature, whether old or new, is good and fresh only in so far as it is living. The ultimate test of any new work in a language is whether it can be absorbed in the store of the accepted literature of the people who speak it. " A breach with the past, the abjuration of tradition, is of course, the characteristic symp-

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[2] *Bharathi Thasan Kavithaigal* Vol. 2, p. 88 (Pari Nilayam).

tom of revolt. Where literature has frozen into bleak etiquette some vigorous breaking up is necessary. But there is revolt that means revival and revolt that means degeneration into the dissidence of dissent..... An artist of the first rank accepts tradition and enriches it, an artist of the lower rank accepts tradition and repeats it, an artist of the lowest rank rejects tradition and strives for originality ".[3]

The true artist, the artist of the first rank, selects that which is genuinely valuable in tradition and throws overboard that which is spurious, that which is only a superficial accretion in the history of a people.

The traditionalists among the Tamils, and their name is legion, have looked askance at some of the vigorous and frank criticism of Bharathi Thasan, of the accumulated superstitions encrusting the superstructure of the ideals of the Tamil people. These fail to realise that living in the modern age we are yet circumscribed by old customs and beliefs which keep us bound to a dead or dying past. A literature that could revolt against these devitalising encrustations was long overdue. The great task originated by Bharathi has been taken up by his younger contemporary, Bharathi Thasan. He extends his revolt not merely to false beliefs and congealed outmoded customs, but to the modes of poetic expression as well. It is not suggested that one should give importance to what is modern merely because it is modern or to what is old merely because it is old. " What really matters is absolute value. Eminence and especially moral eminence must be preserved at all cost. The Artist who repudiates moral eminence repudiates life itself ".[4] The enduring indefectible 'virtues of art' are the aristocratic virtues so nobly exalted in the literature of the Tamils by the Kural, Silappatikaram, and in Kamban's Ramayanam.

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[3] *The Concise Cambridge History of Literature EPILOGUE,* George Sampson.

[4] *Ibid.*

"Whatever our form of belief or disbelief one cannot evade the duty of man, his duty towards God and his duty towards his neighbours—that is the need for aspiration above the self and the need for expression beyond the self. Literature as an art need not make the inculcation of this duty its prime business, but literature that brings this duty to contempt has gone over to the enemy of life and art. It has joined the mob to whom art is folly, it has joined the cheap jacks and charlatans to whom Art is deception." [5]

Judged by these tests Bharathi Thasan's poetry does not go counter to those eternal verities cherished and upheld by the best of the Tamil poets, as will be revealed by a close study of his published works.

"We artists" wrote John Drinkwater, "have the world to fight. Prejudice, indifference, positive hostility, misrepresentation, a total failure to understand the purposes and power of Art, beset us on every side. Nevertheless if the world is to be renewed it will be renewed by us".

Yes, if the Tamil world is to be renewed, re-invigorated and re-inspired it is only the study of poets like Bharathi and Bharathi Thasan could do so. Bharathi Thasan, in a sense, has been more daring and outspoken than even his master in touching and probing the sore spots of Tamil beliefs, customs and superstitions

Each generation demands its own poet to express in the language of the day the passing phases of life as viewed from the standpoint of the thinking section of that generation, and also newly to interpret many things of the spiritual, social and the world of nature. Unlike many of the revered poets of the past, Bharathi Thasan speaks to us truly in the language of the day, in the language of the common man, in a language simple, intelligible and redolent of the fresh breeze of the dawn.

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[5] *Ibid.*

He sings to us of the dangers of false beliefs raised to the dignity of religion, of the sufferings of the worker who is the real builder of the world, of woman, her charm and power, her wisdom and the need to free her from the shackles of dead custom ; of nature, of birds and beasts, of rivers, hills and flowers, of the charm of home, the worth of elders and the delight of children.

Some have accused Bharathi Thasan of being irreligious. There is no reason to infer from his works that he is anti-religious. On the contrary if Religion is an aspiration after the ideal, the spirit of devotion to the perfection of human life, the love of fellow beings and the pursuit of what is true and beautiful and good, the poems of Bharathi Thasan breathe the true spirit of Religion.

In his poem சேசு மொழிந்த தெள்ளமுது (a poem on Jesus), he asks :

> கோல நற் சேசு
> குறித்தது தானென்ன ? தோழி—

and answers :

> " கோயி லென்றால்
> அன்பு தோய் மனம் " என்றனர் தோழா.

'The mind steeped in Love' is what Jesus means by 'temple'; the poet uses the word Ko-il (temple) which in Tamil means, 'where god dwells'. He is not against true religion—but is against formal religion which exalts form while ignoring the essence of the spirit of Religion.

His sympathy for the toiling labourer, here in particular the Tamil labourer, scattered far and wide away from his home in distant climes, is expressed in the following lines :

“ கற்பிழந்து, மலை பிளந்து, கனிகள்வெட்டி
  கருவியெலாம் செய்துதந்த கைதான் யார்கை?
 பொற்றுகளைக் கடல்முத்தை, மணிக்குலத்தைப்
  போய் எடுக்க அடக்கிய மூச்செவரின் மூச்சு ?”

and again :

“ பொழுது தோறும்,
புனலுக்கும் அனலுக்கும், சேற்றினுக்கும்,
  கக்கும் விஷப் பாம்பினுக்கும், பிலத்தினுக்கும்,
கடும் பசிக்கும், இடையறு நோய்களுக்கும்
  பலியாகிக் கால் கைகள், உடல்கள், சித்தம்,
பச்சை ரத்தம் பரிமாறி, இந்த நாட்டை
  சலியாத வருவாயும் உடையதாகத்
தந்ததெவர் ?”

These lines remind us of the poem of Martin Armstrong, a contemporary English poet, who in his ‘ Epitaph ’, mourns—

“ These are the unthrifty souls
Who watered dusky streets with wine ;
Gathered pearls from Indian shoals[6]
And cast them royally to swine ;
. . . .
Poured for the heartless, healing tears ;
Fed the tyrant with their grief ;
. . . .
Paid the price they never owed ;
Prayed to gods who claim no prayer ”

In the poem ‘புரட்சிக்கவி’ (the Poem of Revolt), the composition after which the poet has since been known, Utharanan, the young tutor of the Princess Amuthavalli, who is in love with her, exclaims :

6 “ Ancient fisheries in the Gulf of Mannar, Ceylon, and at Tinnevelly on the Madras side of the strait ”.

" காதல் நெருப்பால் கடலின்மேல் தாவிடுவேன்,
சாதி எனும் சங்கிலி என் தாளைப் பிடித்ததடி!
பாளைச் சிரிப்பில் நான் இன்று பதறி விட்டால்,
நாளைக்கு வேந்தனெனும் நச்சரவுக் கென்செய்வேன் "

He wonders how they could overcome the bar of caste that stands between him and his beloved. She replies :

" சாதி உயர்வென்றும், தனத்தால் உயர்வென்றும்,
போதாக்குறைக்குப் பொதுத்தொழி லாளர்சமூகம்,
மெத்த இழிவென்றும், மிகுபெரும்பாலோ ரைஎல்லாம்
கத்திமுனை காட்டி காலமெலாம் ஏய்த்துவரும்,
பாவிகளைத் திருத்தப் பாவலனே நம்மிருவர்
ஆவிகளை யேனும் அர்ப்பணம் செய்வோம் "

Let us, she tells her lover, sacrifice our lives so that we might change the hearts of those who in the name of caste and wealth, would thwart true love and treat with contempt the lowly. The king who is informed of the romance orders the execution of Utharan. Amuthavally appeals tc her father, the King—

" ஒருவனும் ஒருத்தியுமாய்—மனம்
உவந்திடில் பிழையென உரைப்பதுண்டோ?
அரசென ஒருசாதி—அதற்
கயலென வேறொரு சாதியுண்டோ ?"

' Does a king belong to one caste and his subjects to another caste ? Is it wrong for a youth and maid to become heart-united in love ? '

The king remains unmoved and Utharan turns to the people—for the people are more important than the king ; the voice of the people is the voice of God. He tells them that he had been invited by the king to instruct his daughter in Tamil poesy. They had learned to love each other even as they loved the beauty of Tamil poetry. " Is the love of Sweet Tamil to be the cause of my death ? ", he asks,

“ தமிழறிந்த தால்வேந்தன் எனை அழைத்தான் ;
  தமிழ்க்கவியென் றெனை அவளும் காதலித்தாள் !
அமுதென்று சொல்லுமிந்தத் தமிழ் என்னாவி—
  அழிவதற்குக் காரணமா யிருந்ததென்று
சமுதாயம் நினைத்திடுமோ ? ”

He appeals to the people to save at least, Amuthavalli, the young poetess who longed to make the hills, the rivers and the bowers of their land immortal with her song.

“ அவளைக் காப்பீர் !
அழகிய என் திருநாடே ! அன்பு நாடே !
வையகத்தில் உன் பெருமை தன்னை, நல்ல
மணிநதியை, உயர்குன்றைத், தேனை அள்ளிப்
பெய்யுநறுஞ் சோலையினைத், தமிழாற்பாடும்
பேராவல் தீர்ந்ததில்லை ! ”

The people rush to the rescue of the lovers. They declare :

“ ‘ புவியாட்சி தனிஉனக்குத் தாரோம்என்று
  போயுரைப்பாய் ’ என்றார்கள் ! போகாமுன்பே,
செவியினிலே ஏறிற்றுப், போனான் வேந்தன் !
  செல்வமெலாம் உரிமையெலாம் நாட்டாருக்கே
நவையின்றி யெய்துதற்குச் சட்டம் செய்தார் !
  நலிவில்லை ! நலமெல்லாம் வாய்ந்ததங்கே ! ”

‘ We shall not allow you to rule us any more. All wealth, all ownership belong to the people ’, they proclaim, and proceed to draw up a democratic constitution.

* * * *

‘ சஞ்சீவி பர்வதத்தின் சாரல் ’ is one of the finest narrative poems of Bharathi Thasan. It deals with an incident described by Kamban in the Ramayanam. The poet makes use of the incident to show how gullible people could be, and accept uncritically the most fantastic tales and myths found in old tales. The opening lines of the poem constitute a remarkable example of the poet's

mastery of the language, and his ability to make music out of the simple words used in everyday life. Describing the approach to the mountain and its environs, the poem reads,

> " குயில்கூவிக் கொண்டிருக்கும்; கோலம் மிகுந்த
> மயிலாடிக் கொண்டிருக்கும்; வாசம் உடையநற்
> காற்றுகுளிர்ந்தடிக்கும்; கண்ணாடி போன்றநீர்
> ஊற்றுக்கள் உண்டு; கனிமரங்கள் மிக்கஉண்டு;
> பூக்கள் மணம் கமழும்; பூக்கள்தோறும் சென்றுதே
> னீக்கள் இருந்தபடி இன்னிசை பாடிக்களிக்கும்;
> வேட்டுவப்பெண்கள் விளையாடப் போவதுண்டு.
> நெஞ்சில் நிறுத்துங்கள்; இந்த இடத்தைத்தான்
> சஞ்சீவி பருவதத்தின் சாரல் என்று சொல்லிடுவார்.

* * * *

> " சஞ்சீவி பர்வதத்தின் சாரலிலே, ஓர் நாளில்,
> கொஞ்சம் குறையமணி நான்காகும் மாலையிலே,
> குப்பன் எனும் வேடக்குமரன் தனியிருந்து,
> செப்புச் சிலைபோலே தென்திசையைப் பார்த்தபடி
> ஆடாதசையாமல் வாடி நின்றான். சற்றுப்பின்,
> வாடாத பூமுடித்த வஞ்சி வரக்கண்டான்
> வரக்கண்டதும் குப்பன் வாரி அணைக்கச்
> சுரக்கின்ற காதலோடு சென்றான்.—" தொடாதே "!
> என்று சொன்னாள் வஞ்சி. இளையான் திடுக்கிட்டான் "

No high school education is necessary to understand the language. The meaning is as clear as crystal, clothed in words which a child could understand. The description of the natural scenery is graphic, and the music of the words rings in our ears.

(To be continued)

Bharathi in Sinhalese

P. B. J. HEWAWASAM

KŌKILA GĪTAYA

Prēmē, prēmē, prēmē
Prēmaya nivitäna, prēmaya nivitäna
Karumē, karumē, karumē.

Eḷiyē-sudu mudu eḷiyē :
Ēḷiya aḍu vī, aturudahan vuna
Andurē, andurē, andurē.

Prītī, prītī, prītī :
Prītiya ehi ima agaṭa ma giya täna
S'ōkī bava ma ya, s'ōkī.

Nādē—oho, ninnādē :
Nādaya nävatuna bunhanḍa vihiduna
Bēdē vey hañḍa, bēdē.

Tālē-mana nanda tāḷē :
Tāḷaya väraduna, suntāḷaya vuna
Jāḷē—maha'vul jālē.

Rāgē—had'adana rāgē :
Rāgaya väraduna, avarāgaya vuna
Nā'ge bora ma ya, nā'ge.

Yasasē, yasasē, yasasē :
E yasasa keḷesuna, suḷu dosa pamanina
Ayasē, ayasē, ayasē.

Tira bava, ṛju bava mänavī :
Tira bava vanasā, capala bavehi huna
Gora bava, gora bava niyamī.

Hamuvē—priyatama hamuvē :
E hamuva nima vī, priyayā ven vuna
Mälavē—gata sita mälavē.

Kuḷalē, kuḷalē, kuḷalē, :
Kuḷalaya paḷuduva, samaga ma goḷu vuna
Tävulē, tävulē, tävulē.

குயிலின் பாட்டு

காதல், காதல், காதல்:
காதல் போயிற், காதல் போயிற்
சாதல், சாதல், சாதல்.

அருளே யாநல் லொளியே:
ஒளிபோ மாயின், ஒளிபோ மாயின்
இருளே, இருளே, இருளே.

இன்பம், இன்பம், இன்பம்:
இன்பத் திற்கோ ரெல்லை காணில்
துன்பம், துன்பம், துன்பம்.

நாதம், நாதம், நாதம்:
நாதத் தேயோர் நலிவுண் டாயின்
சேதம், சேதம், சேதம்.

தாளம், தாளம், தாளம்
தாளத் திற்கோர் தடையுண் டாயின்
கூளம், கூளம், கூளம்.

பண்ணே, பண்ணே, பண்ணே:
பண்ணிற் கேயோர் பழுதுண் டாயின்
மண்ணே, மண்ணே, மண்ணே.

புகழே, புகழே, புகழே
புகழுக் கேயோர் புரையுண் டாயின்
இகழே, இகழே, இகழே.

உறுதி, உறுதி, உறுதி:
உறுதிக் கேயோர் உடைவுண் டாயின்
இறுதி, இறுதி, இறுதி.

கூடல், கூடல், கூடல்:
கூடிப் பின்னே குமரர் போயின்
வாடல், வாடல், வாடல்.

குழலே, குழலே, குழலே:
குழலிற் கீறல் கூடுங் காலை
விழலே, விழலே, விழலே.

කෝකිල ගීතය.

ප්‍රේමේ, ප්‍රේමේ, ප්‍රේමේ:
ප්‍රේමය නිවී තැන, ප්‍රේමය නිවී තැන
කරුමේ, කරුමේ, කරුමේ.

එළියේ - සුදු, මුදු එළියේ :
ඒ'ළිය අඩුවී, අතුරුදහන් වූන
අඳුරේ, අඳුරේ, අඳුරේ,

ප්‍රීති, ප්‍රීති, ප්‍රීති :
ප්‍රීතිය එහි ඉම අගටම ගිය තැන
ශෝකී බව ම ය ශෝකී.

නාදේ - ඔහෝ, නීත්නාදේ :
නාදය නැවතුන, බුත්හඬ විහිදුන
බේදේ වෙයි හඬ, බේදේ.

තාලේ - මන නද තාලේ :
තාලය වැරදුන, සුත්තාල ය වූන
ජාලේ - මහ'වුල් ජාලේ.

රාගේ - හද'දන රාගේ :
රාගය වැරදුන, අවරාගය වූන
නා'ගේ බොරමිය, නා'ගේ.

යසසේ, යසසේ, යසසේ :
එ'යසස කෙලෙසුන, සුළුදෙස පමිණින
අයසේ, අයසේ, අයසේ.

තිර බව, සෘජු බව මැනවී :
තීර බව විනාසා, චපල බවෙහි හුන
ඝොර බව, ගොර බව තියමී.

හමුවේ - ප්‍රියතම හමුවේ · ’
එ හමුව නිමවී, ප්‍රියයා වෙත් වූන
මැලවේ - ගත සිත මැලවේ.

කුළලේ, කුළලේ, කුළලේ :
කුළලය පළුදුව, සමගමු ගොළු වූන
තැවුලේ, තැවුලේ, තැවුලේ.

ප. බ. ජ. හේවාවසම්

குறிப்புவினை

(டாக்டர் மு. வரதராசன்)

அறிவு படிப்படியே வளர்ந்துவருவது. முன் பெற்றுச் சேர்த்தவை கொண்டு, அவற்றிற்கு மேலும் சிலவற்றைத் தேடிக் கொள்ளுதல் அறிவுத் துறையில் இயற்கை. ஆதலின், நம் காலத்தைவிட, எதிர்காலத்தில் சில பொருள்களைப் பற்றித் தெளிவான அறிவு பிறத்தல் கூடும். அவ்வாறே முன்னோர்காலத்தைவிட, நம் காலத்தில் சில பொருள்கள் தெளிவு பெற்று விளங்குதலும் இயல்பே. முன்னோர் பெற்றிருந்த நலங்களுள் சிலவற்றை நாம் இழந்திருத்தல் கூடும். ஆயின், சில துறைகளில் முன்னோரைவிடத் தெளிவாக அறியும் வாய்ப்பு, நமக்கு உண்டு.

இலக்கணத் துறையில் இது உண்மையாதல் காணலாம். முன்னோர் தமிழ்மொழிக்கு இலக்கணம் எழுதிய காலத்தில் இக்காலத்து உள்ளது போல் பல்வேறு மொழியாரின் கூட்டுறவு இருந்ததில்லை. வடமொழி ஒன்றனோடு மட்டும் ஒப்பிட்டு நோக்கும் வாய்ப்பு அக்காலத்தில் இருந்தது. இக்காலத்தில் உலகத்தில் உள்ள பல மொழிகளின் இலக்கணத்தோடும் ஒப்பிட்டு உண்மை காணும் வாய்ப்பு நமக்கு உள்ளது. கால்டுவெல் எழுதிய ஒப்பிலக்கணம் புதிய உண்மைகளை உணர்த்த முடிந்தது இதனாலேயே ஆகும். அவர்தம் ஒப்பிலக்கணம் போல் சென்ற நூற்றாண்டில் அறிஞர் பலர் முயன்று எழுதிய ஒப்பிலக்கணங்கள் பல; அவற்றைக் கொண்டு எழுந்த மொழியாராய்ச்சி நூல்கள் சில; அவற்றால் விளக்கம் பெற்று அமைந்த மொழிவரலாற்று நூல்கள் சில. அவை எல்லாவற்றின் துணையும் கொண்டு தமிழ்மொழியின் அமைப்பைப் பற்றி ஆராயும் வாய்ப்பு நமக்கு உள்ளது. ஆதலின், முன்னோர்காலத்தில் பெறுதற்கியலாத தெளிவு நம் காலத்தில் பெற முடிகிறது. அது நம் சிறப்பு அன்று; நம் காலத்தின் சிறப்பும், இக்காலத்துக் கிடைத்துள்ள அறிவுவளர்ச்சிக்குரிய வாய்ப்பின் சிறப்பும் ஆகும்.

தொல்காப்பியனார் வினைச்சொல்லைப் பற்றி விளக்குமிடத்து, அது வேற்றுமை ஏற்காது என்றும், காலம் உணர்த்தும் என்றும் இரு தன்மைகளைக் கூறுகிறார்[1]. பிறகு காலம் குறிப்பாகவும் உணர்த்தப் படும் என்கிறார்[2]. அவர்தம் கருத்துப்படி, வினைச்சொற்கள் எல்லாம்

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[1] *வினையெனப் படுவது வேற்றுமை கொள்ளாது*
நினையுங் காலைக் காலமொடு தோன்றும்.

—தொல் சொல். வினையியல் 1.

[2] *அம்முக் காலமும் குறிப்பொடுங் கொள்ளும்*
மெய்ந்நிலை உடைய தோன்ற லாறே. — ஷை 2.

இருவகைப்படுவன[3]; அவை வினை என்றும் குறிப்பென்றும வழங்குவன. பிற்காலத்தில், உரையாசிரியர்கள் அவ்விருவகையைத் தெரிநிலைவினை குறிப்புவினை என வழங்குவர். குறிப்புவினை என்பது, வினைக்குறிப்பு எனவும் குறிப்பு எனவும் கூறப்படும்.

காலத்தை வெளிப்படையாக உணர்த்தாமல் குறிப்பாக உணர்த்துவது குறிப்புவினைச்சொல் எனத் தொல்காப்பியத்தால் பெறப்படுமாயினும், "தொழின்மை தெற்றென விளங்காது குறித்துக்கொள்ளப் படுதலின் குறிப்பு என்றார்" எனச் சேனவரையர் விளக்கம் தந்துள்ளார்.[4] தொழின்மை என்றது, காலத்தோடியைந்து தொழிற்படும் தன்மை எனக் கொள்ளத்தக்கது. அத் தன்மையைத் தெற்றென விளங்கவைக்கும் உறுப்பு ஒவ்வொரு தெரிநிலைவினையிலும் உள்ளது[5]. அதுவே கால இடைநிலை என்றும், கால வெழுத்து[6] என்றும் குறிக்கப் படுவது. தெரிநிலைவினை கால இடைநிலை பெற்று வருவது; குறிப்பு வினை அது பெறுதது; ஆதலின் வழங்குமிடத்தை ஒட்டிக் காலத்தைக் குறிப்பாக உணர்த்துவது. தொல்காப்பியனர் குறிப்புவினையைப் பற்றிப் பல இடங்களில் இக்கருத்தைப் புலப்படுத்தியுள்ளார்[7]. திராவிட மொழிகளின் ஒப்பிலக்கண ஆசிரியராகிய கால்டுவெல், குறிப்புவினை நிகழ்காலத்திற்கு உரியது என்றும், காலத்தை உணர்த்தும் தன்மை அதற்கு இல்லை என்றும் எழுதியுள்ளார்[8].

இனி இப் பாகுபாடு பொருந்துமா எனக் காண்போம்.

தெரிநிலைவினைச் சொற்கள் எல்லாம், ஏவலொருமை வடிவாக உள்ள வினையடியாகப் பிறப்பன[9]. குறிப்புவினைச் சொற்கள் வினையடியாகப் பிறவாமல், பெயரடியாகப் பிறப்பன; பொருள் இடம் காலம் சினை குணம் தொழில் என்னும் அறுவகைப் பெயர்களின் அடியாகப் பிறப்பன.

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[3] *குறிப்பினும் வினையும் நெறிப்படத் தோன்றிக்*
காலமொடு வரூஉம் வினைச்சொல் எல்லாம். —ஷை 3.

[4] *ஷை சேனவரையர் உரை.*

[5] *வினைசெயல் மருங்கிற் காலமொடு வருநவும்.*
—ஷை தொல்.சொல். இடையியல், 2.

[6] *தொல். சொல். வினையியல்3. சேனவரையர் உரை.*

[7] *அன்ன மரபிற் குறிப்பொடு வரூஉங், காலக் கிளவி.*
அப்பாற் காலம் குறிப்பொடு தோன்றும்.
அன்ன பிறவும் குறிப்பொடு கொள்ளும்
என்ன கிளவியும் குறிப்பே காலம்.—தொல். சொல். வினையியல், 16-19.

[8] Caldwell: *A Comparative Grammar of the Dravidian Languages*, p. 478.

[9] *செய்யென் ஏவல் வினைப்பகாப் பதமே.* —நன்னூல், பதவியல், 10.
"*இத்தொடக்கத்து வாய்பாடுகள் எல்லாம் செய்யென்னும் ஏவல்வினையும் செய்யென்னும் வினையினது பகாப்பதமாகிய பகுதியுமாம்.*"
—ஷை சங்கரநமச்சிவாயர் உரை.

அதுச்சொல் வேற்றுமை உடைமை யானும்
கண்ணென் வேற்றுமை நிலத்தி னானும்
ஒப்பி னானும் பண்பி னானுமென்று
அப்பாற் காலம் குறிப்பொடு தோன்றும்.

அன்மையின் இன்மையின் உண்மையின் வன்மையின்
அன்ன பிறவும் குறிப்பொடு கொள்ளும்
என்ன கிளவியும் குறிப்பே காலம்.

இன்றில உடைய என்னும் கிளவியும்
அன்றுடைத் தல்ல என்னும் கிளவியும்
பண்புகொள் கிளவியும் உளஎன் கிளவியும்
பண்பின் ஆகிய சினைமுதற் கிளவியும்
ஒப்பொடு வரூஉம் கிளவியொடு தொகைஇ
அப்பாற் பத்தும் குறிப்பொடு கொள்ளும்[10].

இந் நூற்பாக்களால் தொல்காப்பியனாரின் கருத்து அதுவாதல் பெறப்படும்.

ஆகவே இவற்றிடையே இரண்டு வேறுபாடுகளைக் காண்கின்றோம்.

1. தெரிநிலைவினை குறிப்புவினை என்பன அடிச்சொற்களிலேயே வேறுபடுகின்றன.

2. முன்னது கால இடைநிலை பெற்றுவர, பின்னது பெறாது வருகின்றது.

இத்துணை வேறுபாடு இருக்கும்போது, இவை இரண்டும் வினைச் சொல்லின் வகைகளாகக் கருதப்படுதற்குக் காரணங்கள் யாவை ?

இனி இவ் விருவகைக்கும் பொதுவான தன்மைகள் உள்ளனவா எனக் காண்போம்.

1. தெரிநிலைவினை திணைபால் காட்டும் விகுதிகளை ஏற்று வருதல் போலவே, குறிப்புவினையும் திணைபால் விகுதிகளை ஏற்று வரும்.

அவன் சென்றான், வந்தனன்—தெரிநிலைவினை ஆன் அன் விகுதிகளை ஏற்றுவருதல்.

அவன் நாட்டான், பொன்னன்—குறிப்பு வினை அவ் விகுதிகளை ஏற்றுவருதல்.

2. தெரிநிலைவினை வேற்றுமையுருபுகளை ஏலாமை போல், குறிப்பு வினையும் அவற்றை ஏற்பதில்லை.

3. தெரிநிலைவினை வாக்கியத்தில் பயனிலை யாதல் போல், குறிப்பு வினையும் பயனிலையாக வரும்.

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[10] *தொல். சொல். வினையியல், 16, 17, 23.*

4. சிவஞான சுவாமிகளின் கருத்துப்படி, தெரிநிலைவினையில் பகுதியில் பொருள் சிறந்து நிற்றல் போல் குறிப்புவினையிலும் பகுதியில் பொருள் சிறந்து நிற்கும்[11].

தெரிநிலைவினை குறிப்புவினை என வினைச் சொல்லின் இருவகைகளாக இவை பாகுபாடு செய்து கூறப்படினும், மேற்குறித்த வேறுபாடுகளை ஆராயினும், அல்லது பொதுத்தன்மைகளை ஆராயினும், குறிப்பு வினை எனப்படுவது வினைச்சொல் அன்று என்பது தெளிவாகும். இலக்கண நூலார் அதனை வினை என வழங்கினும், அது பெயரே என்பது பின்வரும் காரணங்களால் புலப்படும்.

1. தமிழ்மொழியில் பெயர்க்கும் வினைக்கும் பொதுவான வினையடிகள் உண்டு (மலர்ந்தன, மலர்களை). வினையாக அமைந்துவிட்ட ஒரு சொல்லிலிருந்து பெயர்ச்சொல் அமைதலும் உண்டு (காட்சிகள், போனவன்). ஆயின், பெயர்ச்சொல்லாக வடிவு பெற்ற சொல்லிலிருந்து வினைச்சொல் அமைதல் இல்லை. தமிழ்மொழியின் இயல்பை ஆராய்வார்க்கு இவ் வுண்மை எளிதில் புலப்படும்.

ஜி.யு. போப், லாசரஸ்[12] முதலான ஐரோப்பியர் தமிழ்பற்றி எழுதிய நூல்களில், சிலபெயர்ச்சொற்களிலிருந்து வினைச்சொற்கள் அமைந்தன எனக் காட்டுவர். அவர்கள் காட்டியுள்ள எடுத்துக்காட்டுக்கள் அனைத்தும் வடசொற்களாக இருத்தலின், அவ்வியல்பு தமிழ்க்கு இல்லை என்பது விளங்கும். அவர்கள் காட்டியுள்ள சொற்கள் சில:

பெயர்	வினை
பிரகாசம்	பிரகாசி
தியானம்	தியானி
பிரசங்கம்	பிரசங்கி

நடம்—நடித்த, நடிக்கும்

இவை தமிழ்ச் சொற்கள் அல்ல; போப் அவர்களே, இவ்வாறு வழங்குதல் அருகிய வழக்கு என்று குறிப்பிடுகிறார். இவை வடசொற்கள்; சிறுபான்மையாகப் பெயர்ச் சொல்லிலிருந்து வினைச் சொல் பிறத்தல் வடமொழியில் உண்டு; ஆங்கிலம் முதலிய மொழிகளிலும் உண்டு.[13]

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11. "வினைக் குறிப்புச் சொல்லெல்லாம் தெரிநிலைவினைபோல முதனிலையிற் பொருள் சிறந்து நிற்கும். பெயர்ச்சொல் அவ்வாறு அன்றி விகுதியில் பொருள் சிறந்து நிற்கும்." —தொல்காப்பிய முதற் சூத்திர விருத்தி. v. 54-56.

12 G. U. Pope, *First Lessons in Tamil,* p. 111
John Lazarus, *A Tamil Grammar,* p. 175.

13 S. K. Chatterji, *The Growth and Development of the Bengali Language,* p. 880.
Otto Jespersen, *Growth and Structure of the English Language,* p. 165.

அருகி வழங்கும் இவ் வடசொல் வழக்கினைப் பார்த்துத் தமிழிலும் சில வினைச்சொற்கள் பெயர்ச்சொற்களிலிருந்து அமைதல் உண்டு. ஒப்புமையாக்கமாக (analogical formation) இவ்வாறு அமையும் சொற்கள் தமிழின் இயல்புக்கு மாறாக இருத்தலின், இவை மொழி வழக்கில் இடம் பெறுவதில்லை.

பெயர்	வினை
முயற்சி	முயற்சிக்கிறான்
கவர்ச்சி	கவர்ச்சித்தது

இவை தவறு என்றே கடியப்படுதல் காணலாம்.

பெயர்ச்சொற்களிலிருந்து வினைச்சொற்களை அமைக்கும் தேவை ஏற்பட்டால், தமிழ் மொழி அதற்கு ஏற்ற வழியை வகுத்துக்கொள் கிறது. அதாவது: வேறொரு வினைச்சொல் சேர்த்தோ, துணைவினை (auxiliary verb) சேர்த்தோ, பெயர்ச்சொற்களை அவ்வாறு பயன்படுத்து கிறது.

வேறொரு வினை சேர்த்து அமைக்கும் முறை :--

முயற்சி- முயற்சி செய்தான்
கவர்ச்சி—கவர்ச்சி தந்தது

துணைவினை சேர்த்து அமைக்கும் முறை :—

கண்—கண்ணுற்றான்
கேள்வி—கேள்விப்பட்டான்

படு, ஆகு முதலியவை சேர்ந்து பெயர்ச்சொல் வினைச்சொல்லாக அமையும் எனக் கூறி, லாசரஸ் பின்வரும் சொற்களைக் காட்டுகிறார். [14]

வறுமை—வறுமைப்படு
வெண்மை—வெண்மையாகு

ரேனியஸ் என்பவர், குணம் என்ற வட சொல்லிலிருந்து குணப்படு கிறது, குணப்படுத்துகிறது எனச் சொற்கள் அமைதலை எடுத்துக் காட்டுகிறார். [15]

ஆகவே, பொன், கருமை, நன்மை முதலான பெயர்ச் சொற் களோடு அன் முதலிய விகுதிகள் சேர்ந்து, பொன்னன், கரியர், நல்லது முதலான வினைச்சொற்கள் அமைந்தன என்பதும், அவை குறிப்பு வினை என்பதும், தமிழின் இயல்புக்குப் பொருந்தா. அவ்வாறு அமைந்த பொன்னன் முதலியவற்றைப் பெயர்ச் சொற்கள் எனக் கொள்ளுதலே ஏற்புடையதாகும்.

[14] John Lazarus, *A Tamil Grammar*, p. 175.
[15] C. T. E. Rhenius, *A Grammar of the Tamil Language*, p. 114

2. பெயர் என்பது பொருளை உணர்த்துவது ; ஆகவே காலத்தை உணர்த்த வேண்டிய கடப்பாடு இல்லாதது; இடத்தை ஒட்டிய வேறுபாடுகளை (திணை பால் எண் இடம் வேற்றுமைகளை) உணர்த்துவதற்கு உரியது. வினை என்பது தொழிலை உணர்த்துவது ; அது காலத்தை ஒட்டி நிகழும் நிகழ்ச்சியாதலின், காலத்தை உணர்த்த வேண்டிய கடப்பாடு உடையது. எனவே, பெயர்ச்சொற்கள் கால இடை நிலை பெறுமல் வருதலும், வினைச்சொற்கள் திணைபால் விகுதி கள் பெறுமல் வருதலும் இயல்பாகும். உலகில் பெரும்பாலான மொழிகள் இவ்வாறு உள்ளன. தமிழிலும், வினையாலணையும் பெயரும் காலம் காட்டும் தொழிற் பெயரும் தவிர மற்றப் பெயர்ச்சொற்களில் கால இடைநிலை இல்லை ; படர்க்கை ஒன்றன்பால் பலவின்பால் எதிர் கால வினைமுற்றுகளில் (அது செய்யும், அவை உண்ணும்) திணை பால் விகுதிகள் இல்லை.

ஆகவே, பொன்னன், கரியர், நல்லது முதலாய சொற்களில் திணை பால் விகுதிகள் இருத்தல் கொண்டு, அவை குறிப்பு வினைகள் என்றும், உண்டனன், சென்றனர், இருந்தது முதலான தெரிநிலைவினைகளோடு ஒத்தன என்றும் கொள்ளல் பொருந்தாது. அண்ணன், புலவர், விழுது முதலாய பெயர்ச்சொற்களில் திணை பால் விகுதி இருந்தும் அவற்றைக் குறிப்பு வினையாகக் கொள்ளலாகாமையும் காண்க.

3. தெரிநிலை வினைச்சொற்களாகிய உண்டனன் முதலியன வேற்றுமையுருபுகளை ஏலாமைபோல், குறிப்பு வினைச்சொற்களும் ஏற்பதில்லை. ஆயின் தொழில் செய்தாரை உணர்த்தும் போதும், தொழிலையே உணர்த்தும் போதும் அவை வேற்றுமை யுருபுகளை ஏற்கும்.

> **உண்டவனைக்** கண்டேன்
> **உண்ணுதலைச்** செய்தார்
> **உண்பதைக்** கண்டார்

அந் நிலையில் அவை வினைமுற்றுகள் ஆவதில்லை ; பயனிலையாக நிற்பதில்லை. ஆகவே பயனிலையாக நிற்கும் தெரிநிலை வினைமுற்றுக்கள் வேற்றுமையுருபுகள் ஏற்பதில்லை எனலாம். வினையாலணையும் பெயராகவும் தொழிற் பெயராகவும் அமையும் சொற்கள் மட்டுமே வேற்றுமைகள் ஏற்பது காணலாம்.

அதனால் பயனிலையாக நிற்கும் சொற்கள் வேற்றுமை யுருபு ஏற்ப தில்லை எனக் கொள்ளல் வேண்டும். இது பெயர்ச்சொற்களுக்கும் பொருந்துவது. பொன்னன், கரியர், நல்லது முதலான சொற்களும் பயனிலைகளாக நிற்குமிடத்து உருபு ஏற்பதில்லை ; மற்ற இடங்களில் ஏற்கின்றன.

> அவர் கரியர், அது நல்லது.
> கரியர்க்குத் தந்தேன். நல்லதைக் கொண்டான்.

ஆதலின், பயனிலையாக நிற்குமிடத்து வேற்றுமை யுருபு ஏலாமை பற்றி, அவற்றைக் குறிப்புவினை எனக்கொண்டு வினைச்சொற்பாற் படுத்தல் பொருந்தாது.

4. எந்தச் சொல்லும் பயனிலையாக நிற்றல் உண்டு. இது உலக மொழிகள் பலவற்றிலும் காணப்படுவது.[16]. தமிழில் பெரும்பாலும் தெரிநிலைவினைமுற்றுக்கள் பயனிலையாக நிற்கின்றன. ஆயின், தமிழிலக்கணப்படி, வினைச்சொற்களே அல்லாமல் பெயர்ச்சொற்களும் பயனிலையாக வரலாம்.

பொருண்மை சுட்டல் வியங்கொள வருதல்
வினைநிலை உரைத்தல் வினுவிற்கு ஏற்றல்
பண்பு கொள வருதல் பெயர்கொள வருதலென்று
அன்றி அனைத்தும் பெயர்ப்பய னிலையே[17].

எழுவா யுருபு திரிபில் பெயரே
வினைபெயர் வினுக்கொளல் அதன்பய னிலையே[18]

என்னும் விதிகள், பெயர் பயனிலையாக வருதற்கு இடந்தருகின்றன.

அகத்தியம் என மயிலைநாதர் காட்டும் நூற்பாவும் அவ்வாறே கூறுகிறது :

வினைநிலை உரைத்தலும் வினுவிற்கு ஏற்றலும்
பெயர்கொள வருதலும் பெயர்ப்பய னிலையே.[19]

வினை போலவே பெயரும் பயனிலையாக வருதல் கிரேக்கம் முதலிய மொழியார்க்கும் உடன்பாடே ஆகும்.[20] ஆகவே,

அவன் பொன்னன்
அவர் கரியர்
அது நல்லது

முதலான வாக்கியங்களில் பயனிலையாக உள்ளவற்றைப் பெயர்ச் சொற்கள் என்றே கொள்ளலாம் ; குறிப்பு வினைகள் எனக் கொள்ளத் தேவை இல்லை.

5. சிவஞான சுவாமிகள் கூறுவதன்படி பகுதியில் பொருள் சிறந்து நிற்றல் பற்றி அவற்றைக் குறிப்புவினை எனக் கொள்ளல் வேண்டுவதில்லை.

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[16] W. B. Pillsbury and C. L Meader, *The Psychology of Language*, p. 278.

[17] *தொல். சொல். வேற்றுமையியல், 5.*

[18] *நன்னூல், பெயரியல், 38.*

[19] *—டி 37, மயிலைநாதருரை.*

[20] "A predicate is a verb or a noun united with the subject by the copula."—Anatol F. Semenov, *The Evolution of the Greek Language*, p. 162.

அவன் **அண்ணன்**
அவர் **புலவர்**
அது **விழுது**

அவற்றின் பயனிலைகளிலும், பகுதியில் பொருள் சிறந்து நிற்கிறது. அது பற்றி அவை குறிப்புவினையாமாறு இல்லை.

ஆகவே, குறிப்புவினை என இலக்கண நூலார் கூறுவனவற்றை வினைச்சொற்கள் எனக் கொள்ளாமல், பெயர்ச்சொற்கள் என்றே கொள்ளுதல் பொருந்தும்.

அவர் **கரியர்**
அவர் **புலவர்**

முன்னதில் கரியர் என்பது குறிப்புவினை என்றும், பின்னதில் புலவர் என்பது பெயர்ச்சொல் என்றும் கொள்வதில் பொருள் இல்லை. கரியர், புலவர் என்னும் சொற்கள் இரண்டும் அர் விகுதிபெற்றுப் பெயரடியாக அமைந்த சொற்களே.

அது **நல்லது**
அது **கல்**

என்பவற்றிலும், நல்லது என்பதைக் குறிப்புவினை என்றும், கல் என்பதைப் பெயர்ச்சொல் என்றும் கொள்ளல் பொருந்தாது. முன்னது திணைபால் காட்டும் விகுதியோடு அமைந்தது; பின்னது விகுதியின்றி அமைந்தது. இரண்டும் பெயர்ச்சொற்களே.

இக்காலத்து மொழிபாராய்ச்சியால் பெற்ற ஒரு தெளிவு, இத் தடுமாற்றத்தை அறவே போக்குகிறது. அதாவது : ஒரு சொல்லுக்குத் தனியே வடிவம் ஒன்று உண்டு; அது வாக்கியத்தில் நின்று தரும் பயன்வகை வேறு ஒன்று உண்டு. ஒருவர் தனியே பெயரும் வடிவும் உடையவராக இருக்கிறார். அவரே வாழ்க்கையில், சிலர்க்கு மகனாகவும், சிலர்க்குத் தந்தையாகவும், சிலர்க்கு அண்ணனாகவும், சிலர்க்குத் தம்பியாகவும், சிலர்க்கு நண்பராகவும், சிலர்க்குப் பகைவராகவும் இருக்கிறார். அதுபோல், ஒரு சொல்லே, வடிவத்தால் பெயராகவோ வினையாகவோ இருக்கலாம்; பயன்வகையால் அச் சொல்லே எழுவாயாகவோ, பயனிலையாகவோ, பெயரடையாகவோ, செயப்படுபொருள் முதலியனவாகவோ இருக்கலாம்.

கல்	—	பெயர்ச்சொல்
கல் விழுந்தது	—	எழுவாய்
அது **கல்**	—	பயனிலை
கல் மனம்	—	பெயரடை
கல் எறிந்தான்	—	செயப்படுபொருள்
கல்லால் எறிந்தான்	—	கருவிப்பொருள்

இவ்வாறே ஏனைய பயன்வகைகளும் ஆய்ந்து கொள்ளலாம்.

ஆகவே, ஒரு சொல், வடிவம் (form) பற்றியும், பயன்வகை (function) பற்றியும் வெவ்வேருக இருத்தல் இயல்பு எனக் கொள்ளல் வேண்டும். தெரிநிலைவினை குறிப்புவினை என்னும் பழைய குறியீடு களால் மயங்குதல் கூடாது.

அவன் வந்தனன்
அவன் பொன்னன்

என்னும் வாக்கியங்களில், வந்தனன் என்பது வடிவத்தால் வினைச் சொல்; பயன்வகையால் பயனிலை. பொன்னன் என்பது வடிவத்தால் பெயர்ச்சொல்; பயன்வகையால் பயனிலை. இரண்டு வாக்கியங்களும் ஒரே வகையானவை; ஆயின் இரண்டிலும் உள்ள பயனிலைகள் வடிவத்தால் ஒரே வகையான சொற்கள் அல்ல. வந்தனன் என்பது வினைச் சொல்லாதலால், பொன்னன் என்பதும் வினைச் சொல்லாக இருத்தல் வேண்டும் எனக் கருதலும், அது காலம் காட்டாமை பற்றிக் குறிப்புவினை எனக் கொள்ளலும் பொருந்தா. வினைச்சொல் பயன் படுதல் போலவே பெயர்ச்சொல்லும் பயன்படுதல் பற்றி, பெயர்ச் சொல் வினைச்சொல்லாகிவிடாது.

வந்த நண்பன்
அந்த நண்பன்

இவற்றுள் வந்த என்பது வினைச்சொல்லாதலால், அந்த என்பதும் வினைச்சொல் ஆதல் இல்லை. இவை வடிவத்தால் வேறுபட்டு, பயன் வகையால் ஒத்துநிற்கும் சொற்கள். முன்னது வினைச்சொல்; பின்னது சுட்டு. இரண்டும் பெயர்க்கு அடையாகப் பயன்படுதல் காணலாம்.

கொல யானை
நல் யானை

இவற்றுள் கொல் என்பது வினை. நல் என்பது பண்பு. இவையும் வடிவத்தால் வேறுபட்டு, பயன்வகையால் ஒரு தன்மையாக உள்ள சொற்கள். இவை போன்றவற்றை ஆய்ந்து தெளிந்தால், குறிப்புவினை என்பது ஒன்று இல்லை என்பதும், சில பெயர்ச் சொற்களே பயன் வகை நோக்கி அவ்வாறு கொள்ளப்பட்டன என்பதும் புலப்படும்.

தேங்கி நிற்காமல் முன்னேறிச் செல்லும் அறிவியல்துறை எதுவும், புதுக் குறியீடுகளையாவது அவ்வப்போது கையாள வேண்டும்; அல்லது, பழைய குறியீடுகளைத் திருத்திக்கொள்ள வேண்டும். மரபாக வழங்கிவரும் குறியீட்டுச் சொற்கள், புதிய ஆராய்ச்சியாளரின் மனங் களைக் குறுகச் செய்வதுடன், செழிப்புற்று வளராதபடி தடையாகவும் நிற்கின்றன என்று அறிஞர் யெஸ்பர்ஸன் கூறுவது இங்குக் கருதத் தக்கது[21].

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[21] Any branch of science that is not stationary, but progressive, must from time to time renew or revise its terminology... . Traditional terms often cramp the minds of investigators and may form a hindrance to fertile developments.— Otto Jespersen, *The Philosophy of Grammar,* Chapter XXV.

Dative in Early Old Tamil

KAMIL ZVELEBIL

The purpose of this short study is to describe the use of the dative and its functions in the Early Old Tamil[1] text *Naṟṟiṇai*.[2] Again and again I remember the words of Roland G. Kent (in "Linguistic Science and Orientalist," *JAOS*, 55, 119) : "The first step toward the scientific knowledge of a language is to draw a careful descriptive study of it." As far as the Dravidian languages are concerned, I regard this "first step" as a condition *sine qua non*, as a task of basic and utmost importance. When investigating a language in which, fortunately enough, ancient texts have been preserved, it is natural that such descriptive study starts with the analysis of these texts, which form both materially and historically a certain complete and closed unit. Besides, it is a fact that "our speech depends entirely upon the speech of the past" (Bloomfield). Only after we have a series of seemingly very simple synchronic descriptions of different stages of evolution of the language in question, it will be possible to advance to honest historic

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[1] Tentatively, as a sort of working hypothesis, we presume that there are three periods of the evolution of Tamil : *Old Tamil, Middle Tamil, New Tamil.* As Old Tamil we determine the language of the early texts beginning with the poems of *Ettuttokai* (Early Old Tamil, ca. the first three or four cent. A.D.) ; then comes Middle Old Tamil (*Cilappatikaram* and the early didactic poems, e.g. *Tirukkural*) and Late Old Tamil (the language of later didactic texts, e.g. *Innanarpatu*). It is fairly obvious that the language of the Shaivite and Vaishnavite hymns (beginning with the 7th-8th cent.) shows well-marked changes, which enable us to regard this type of language as a new period in the development, as Middle Tamil. However, it is necessary to be cautious. This periodization, based only on literary monuments, is fully tentative, and the chronology only relative. Only after we have accomplished fully the analysis of all literary and *epigraphic* monuments will it be possible to base our conclusions on a more solid soil.

[2] *Narrinai* is one of the collections of the great anthology *Ettuttokai*. Naturally enough, there are earlier and later strata in all these collections. The majority of *Narrinai* poems may perhaps belong to the 1st-3rd cent. A.D. It contains 400 stanzas ; the total number of lines is 4181 (according to the edition of A. Narayanasami Aiyar, The South India Saiva Siddhanta Works Publishing Society, Tinnevelly, 1952).

and comparative work, which will result in perfect knowledge of the language in its diachrony.

Having this in mind, I began to analyse the Early Old Tamil text *Naṟṟiṇai*. This short study about the dative is a very small part of a series of syntactic studies which would form the basis of a descriptive syntax of Old Tamil.

§ 1. It is not within the scope of this study to try to solve the problem of cases in Tamil and Dravidian in general. So far, the Dravidianists have not reached any other conclusion than that which had been somewhat vaguely indicated by Caldwell and more distinctly formulated by Bloch : there is some important difference between the cases with terminations of concrete meaning, of concrete value, e.g. locative, sociative, instrumental, and cases with terminations of grammatical value (accusative, genitive, dative).[3]

In Early Old Tamil we find the opposition of a basic form with zero-morpheme and an oblique form. On the other hand, we have the subject case (nominative), a well-marked case of indirect object (dative), a case of adnominal relation (genitive), an unbalanced and embryonic case of direct object (accusative). Other cases are simple basic or oblique forms (incidentally extended by inflexional increments, *cāriyai*) plus different terminations with concrete value, e.g. -*oṭu*, -*ōṭu*, -*uṭan* for sociative relation, *koṇṭu* for instrumental relation, -*in*, -*il*, -*uḷ* for locative relation.

The classification of cases from the etymological standpoint into those which may be analysed as bases plus postpositions with concrete value (*il* "place, house", *uḷ* "interior", *vayin* "place", *koṇṭu* "having taken, with" etc.) and into those where it is so far impossible to etymologize,

[3] Says Caldwell : "The Dravidian dative has, therefore, assumed the character of a real grammatical case" (2nd ed., p. 93). Cf. J. Bloch, *Structure*, p. 15 : "Le premier cas est celui des desinences a valeur grammaticale, accusatif, datif, genitif ; le second, celui des desinences a valeur concrete comme celle de locatif et souvent d'ablatif."

coincides with the classification of cases into those with concrete value and those with grammatical value. L. V. Ramaswami Aiyar's articles in *Indian Historical Quarterly* 1928 and 1929 indicate other possibilities, distinguishing between " earlier " and " later " cases. However, in the Early Old Tamil texts both types of cases seem to be already in full development.[3-a]

§ 2. One of the typical Dravidian relational cases with termination of grammatical value is the *dative*. Its termination in Tamil is -*(k)ku*. It may be characterized partly as the case of indirect object, partly as the case in immediate constituency with a verbal or nominal base. In Tamil grammatical terminology it is called *koṭaivērrumai*, which is the same as our term dative.

We may distinguish between the *direct* dative (the only object of a verbal or nominal base) and the *indirect* dative (found as indirect object together with a direct object); the dative *commodi* et incommodi has often adverbial character.

A. DIRECT DATIVE

1. LOCAL RELATION.

a dative terminative :

1. *celvar kol...tam...ūrkkē ?* will they go...to their village ? (4, 7...12).
2. *makaṭ keytac ceṉṟu,* having approached the girl (6, 4-5).

[3a] The following scheme of cases seems to appear in Early Old Tamil.
1. *Nominative* is the case of the Subject or Actor (this in constructions with verbal and participial nouns, conjugated nouns and rel. participles) ;
2. *Accusative* is the case of nearer goal ;
3. *Dative* ;
4. *Instrumental*, one of the cases of further goal, used to express instrument ; used richly in *adverbiale modi* ;
5. *Sociative*, one of the cases of further goal, used to express the concept of association and sociality, also in *adverbiale modi* ;
6. *Locative* and *Ablative ;* used in *adverbiale loci* and *temporis* to express local and temporal determination of the action and state : static Locative and dynamic Ablative ;
7. *Relative*, used in *adverbiale relationis* to express the idea of relation and regard, as well as some objects of some verbs ;
8. *Genitive*. As case used with some verbs to express their object,

3. *nelliṟku...malai polintāṅkē,* as if rain poured...on paddy (22, 10...11).
4. *elli vanta...viruntiṟku...vēṇṭuvōrē,* he who has desire, having come in the night to the feast (41, 6...10).
5. *ciṟunallūrkkē...(ceṉṟu),* having gone to the small good village (49, 10).
6. *emakkē varukatil viruntē !* to us let the guests come ! (120, 10).
7. *ūrkkup pōvōyāki,* when thou goest to the village (200, 7).
8. *ciṟukuṟum paṟavaikkōṭi,* having flown to the small short bird (277, 9).
9. *celvaṉ celluṅkol tāṉē...ūrkkē ?* will the lord himself perhaps go...to the village ? (344, 8...12).
10. *kātali...emakkumār varumē,* the sweetheart will come to us (356, 8...9).

b. motion from (to escape) :

1. *malaiyaṉatu | oru vērku ōṭi,* having escaped from the unique sceptre of Malaiyaṉ (170, 7-8).[4]

c. other local relations :

1. *cāṉṟōr...kuṟumakaṭku | ayalōr,* the wise men...are neighbours to the young woman (220, 5...10).
2. *vayappuli | irainacaiip parikku malaimutal ciṟuneṟi,* a small path at the mountain-base, where a mighty tiger, longing for prey, (is) in hide (332, 6-7).[5]

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[4] Cf. New Ta. *cavukkuttappipponen* "Ich entging dem Tode" (Beythan, *Praktische Grammatik der Tamilsprache,* p. 183).

[5] For dative with local meaning, Cf. Ka. *tumkurige seridaru,* they arrived at Tumkur (Spencer) ; Br. *i khane rasengat,* I came up to the khan ; *shahre khurk kare narra,* when he got near to the town he ran off (Bray) ; Kol. *a·n...bombоin saatun,* I will go to Bombay ; *amd u·run vatten,* he came to the village (Emeneau). Cf. also New Ta. *arrukku ippuram,* at this side of the river ; *koyilukkup pin,* behind the temple ; *avanukku mun,* in front of him.

2. THE RELATION OF SIMILARITY, AGREEMENT (dissimilarity, disagreement), SUITABILITY AND COMPETENCY.

a. to be like :

1. *tātukku a<u>n</u><u>n</u>a...titti,* yellow spots...similar to pollen (157, 9-10).

b. to agree :

2. *vāymaikku ē<u>r</u>pa* | *namar,* those of our party agree with the word (393, 9-10).

c. to be right, fit, suitable :

3. *nallata<u>r</u>* | *kuriyai...e<u>n</u> neñcē,* thou art right, my heart, with regard to the good (16, 3...4).[6]
4. *pi<u>r</u>ar* | *viṭutta<u>r</u>kākātu pi<u>n</u>ittave<u>n</u> neñcē,* my catpured heart is not fit to be released by others (95, 9-10).
5. *vallaiyākutal ollumō ni<u>n</u>akkē ?* does the becoming of trouble perhaps suit thee ? (162, 12).[7]

3. DATIVE OF CAUSE AND PURPOSE.

1. *āḷvi<u>n</u>aikku aka<u>n</u><u>r</u>ōr,* he that has left for the sake of manly deeds (69, 10). Similarly in 103, 10 ; 214, 8 ; 246, 6 ; 333, 7.
2. *yāñ cey tolvi<u>n</u>aikku eva<u>n</u> pētu<u>r</u><u>r</u>a<u>n</u>ai ?* why art thou bewildered with regard to (because of) the old deeds done by us ? (88, 1).
3. *ku<u>r</u>umakaṭku* | *uyavi<u>n</u>ē<u>n</u>,* I am in distress because of the young girl (106, 4-5).
4. *notumalāṭṭikku nōm e<u>n</u> neñcē,* because of the woman from the neighbourhood my heart aches (118, 11).
5. *cērppa<u>r</u>ku* | *yā<u>n</u>i<u>n</u>aintu i<u>r</u>aṅkē<u>n</u>,* I do not cry because of the chief, thinking (on him) (275, 6-7).

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[6] Cf. the Czech *byti prav necemu,* to be right with regard to something, with dative.

[7] Cf. Ka. *adakku idakku bahu hechchukadame ide,* there is a great difference between that and this (Spencer).

6. *kokkiṉukku oḷinta tīmpaḷam,* the sweet fruit which fell down on account of the heron (280, 1).

7. *oṭṭiya | niṉ tōḷ aṇipeṟa varaṟkum | aṉṟō, tōḷi, avar ceṉṟa tiramē,* his gone excellence is not, O friend, to come and adorn thy lean arms (286, 7-9).

8. *avaṉūr viṉavic ceṉmō..., tōḷi,...varaṟkē,* go and inquire after his village,...O friend,...for the sake of coming (365, 9).

9. *vaṭapula vāṭaikkup pirivōr | maṭavar,* those who leave on account of the north-wind from northern regions (366, 11-12)[8].

4. TEMPORAL RELATION.

1. *nilavil...kaṇṭaṟku māyirun tāḷi kavippa,* so that (I) may be buried in the big black urn before I had to go in search (of her) in the moonlight (271, 10-11).[9]

2. *talaināṭketiriya taṇpeyal eḷili,* the cloud of cold rain which appeared on the previous day (362, 3).[10]

5. RELATION OF REGARD, EVENT, KINSHIP.

1. *acaiyuṭaṉ iruntōrkku arumpuṇarvu iṉṉ,* there is no real friendship with those who have been idle (214, 2).

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[8] Cf. Parji *pal nendug parnoto,* the fruit has ripened on account of the warmth of the sun ; *duvin tolug andkiter,* they killed the tiger for its skin ; *nurnilug an tunena,* I did not sleep for mosquitos (Burrow) ; Ka *nimmannu noduvudakke bandenu,* I have come in order to see you (Spencer) ; Br. *shahrana pulingki hinane,* he's gone to sack the village (Bray) ; the Tamil interrogative *etarku* ("what for") "why" is dative of purpose, like Kol. *ta·n* and *tandun,* why ?

[9] Cf. Ka. *ninu huttuvudakkinta munche nanu i urinalli vasamaduttid-denu,* I was living in this town before you were born, and *avaru baruvudakke modalu kelasavellavu mugidittu,* the work was all completed before they came (Spencer).

[10] Cf. Ka. *sayangkalakke ba,* come in the evening ; *divasavakke muru sari,* three times a day (Spencer) ; Parji *ticer cenverug,* on the third Saturday (Burrow) ; Kol. *in natuni takten,* he remained for two days only ; *sittena tlun oppadan.* in the evening he will be found ; *a·len* at night (Emeneau).

2. *kātal kaimmikakkaṭīiyaṟku | yāṅkākuvaṅ kol, tōḻi ?* how shall we, O friend, come into contact with the one who has been filled with pain when love had exceeded the limits ? (313, 5-6).
3. *vāṉara makaḷirkku mēvalākum vaḷarāppārppiṟku,* to the ungrown fledgelings who come into contact with the celestial maidens (356, 4-5).
4. *uṟuviṉaikkacavā ... kammiyaṉ,* the smith ... not slack toward the work done (by him) (363, 4).
5. *tērōṟku oṭṭaṉem · allēm,* we shall not come into contact with the charioteer (380, 6).
6. *yāṉē nī emākku ?* who art thou to us ? (395, 1).[11]

6. Possessive dative.

1. *nekiḻntana vaḷaiyē... poruntōḷāṭkē,* loosened are the bracelets ... of her who has broad shoulders (26, 1...9).
2. *nāṭaṟ paṭarntōrkkuk kaṇ ṇum paṭumō ?* do perhaps the eyes of those who have been thinking upon the chief, close ? (61, 9-10).
3. *uraiyāy...niṉakkup peruntuyaram ākiya nōyē,* tell about the pain, which has become great grief to thee (123, 1...12).
4. *kaṇṇē...vaṭiviḷantaṉavē...aimpālmāyōṭkē,* the eyes of the dark woman with five-fold tresses have lost (their) beauty (133, 1...5).
5. *aṟṟum ākum ahtu aṟiyātōrkkē,* thus that becomes to those who do not know (174, 8).
6. *eṉakkē...paiyuḷ tīrum,* it stops...my distress (209, 6...7).

[11] Difficult to say whether the dative in this line means kinship relation ; the context is not against this interpretation, and in New Ta. kinship relation is generally expressed by the dative : either *avan en makan* or *avan enakku makan,* he is my son ; cf. also Ka. *avanu ninage tammano ?* is he your brother ? (Spencer) ; *ninakku yan kilainan allan,* I am not a relative to thee (Akam 342).

7. *poruḷvayiṉ* | *pirital āṭavarkku iyalp(u)*, it is the nature of men to go away for the sake of riches (243, 9-10).
8. *aṟivuṅ karitō...niṉakkē*, and thou verily hast black mind (277, 4).
9. *ivaṭkē...pūveṉappacalai ūrum maṉṉō*, lo, to her...flower-like paleness is spreading (349, 8).
10. *neṭuvēṭku ētam uṭaittō?* is it perhaps the guilt of Neḍuvēl ?
11. *naṉṉutaṟku* | *yāṅkākiṉṟu kol pacappē?* how did the paleness of the fair forehead appear ? (388, 1-2).[12]

7. DATIVE WITH DIFFERENT VERBAL AND NOMINAL BASES.

a. to know, understand, trust in, investigate into :

1. *niṉakkō aṟiyunaḷ, neñcē,...nakaḷē?* either 1. dost thou understand the daughter, O heart ? or 2. does she understand thee, O heart,...the girl ? (44, 5).[13]
2. *niṉ* | *piḷaiyā naṉmoḷi tēṟiya ivaṭkē*, thy good speech without fault has been trusted by her (10, 9).
3. *neñcañ ceyviṉaikku cāvāy...varuntuṅkollō?* will perhaps the heart suffer, investigating into the deeds done ? (56, 5...6).

b. to pass beyond :

4. *ceyalpaṭu maṉattar ceyporuṭ* | *kakalvar*, those who have thought about deeds, pass beyond the very essence of doing (24, 8-9).

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[12] Cf. Ka. *avanige bahala kopa untu*, he is very angry (Spencer) ; Br. *kane ira kharas are*, I've a couple of bullocks (Bray) ; Kol. *patlakun okkot pill(a) andin*, the headmen had one daughter (Emeneau).

[13] Cf. commentary *ninnalo aval ariyattakkal?* The comm. denotes the dative *ninakku* as *urupumayakkam*, "confusion of case". Cf. however Br. *sarkare sardateat rajak much karifoi o*, the tribesmen are to be collected by Government through the chiefs (Bray 53) with the dative of agent (*sarka·c*). Also Kol. *ga·lin ma·k dola*, the tree will be felled by the wind ; *podne uban sivval a·rav*, the fuel dries in the heat of the sun (rather: *by* the heat) ; these cases, however, may be analysed as datives of cause, but *inun ta·net kandakt eddin*, what was seen by you ? (Emeneau). However, if we dismiss the commentary, we might translate "does the daughter understand thee ?", *ari-* with dative ; however, cf. Kol. *imun kela to-te*, you (pl.) don't understand, which supports rather the first interpretation.

c. to help.

5. *niṉ...pacalaikkutavāmārē,* since (he) does not help thy...paleness (47, 10...11).

6. *nērilai kaṭumpuṭaik kaṭuñcūl naṅkuṭikku utavi,* (she of) well-formed jewels, the possession or (our) family, having helped our clan (after) intensive pregnancy (370, 1-2).

d. to hide from :

7. *niṉakkiyāṉ maṟaittal yāvatu ?* what did I hide from thee ? (72, 4).

e. to honour, worship :

8. *karuviraṉ mantikku varuviruntu ayarum | vāṉtōy veṟpa.* O chief of the hills, soaked by rain, (the hills ?) which honour black-fingered monkeys as coming guests (353, 6-7).

9. *tāmaraikku iṟaiñcum...ūraṉ,* the villager...worshipping lotus (300, 4).

10. *niṉakkiyāṉ...māṉpiṉeṉ,* I honour (?) thee (128, 3...4).

f. to be afraid of :

11. *aṭaintataṟku | inaiyal,* be not afraid of going (372, 9-10).[14]

g. to obey :

12. *cērppaṟku...kēṭṭaṉṟō ilamē,* we have certainly not obeyed...the chief (239, 8-9).

h. to be pleased with :

13. *kuṟumakaḷ...nakaikku makiḻntōyē,* thou hast been pleased with the smile...of the young woman (190, 8...9).

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[14] Regular also in New Ta., cf. *katavulukkup payantavar,* one who feared God (*Rajarajan,* a modern novel) ; also Ka. *adakke heḍarikondenu,* I was terrified by (at) it (Spencer) ; Parji *duvug narenmed,* he is afraid of the tiger (Burrow).

i. to be difficult, to be easy :

14. *maṟattaṟkaritāl, pāka,...nilaiyē,* since the state is difficult to forget, O charioteer (42. 1...12).

15. *maṟutaraṟku | ariya,* they are difficult to reject (32, 6-7).

16. *koyaṟkaruntaḷaiyē,* leaves difficult to pluck (359, 9).

17. *aruñcuram eḷiya maṉ niṉakkē,* the difficult paths (are) only easy for thee (141, 7). Cf. also 352, 9...10.

j. to love :

18. *avaṭk*[1]*avaḷ*[2] | *kātalaḷ*[3], she[2] loves[3] her[1] (176, 3-4).

19. *nātaṟkuk | kātal ceytal,* to make love to the chieftain (268, 5-6).

B. INDIRECT DATIVE

1. DATIVE PROPER.[15]

1. *ciṟuveṉ kākkai ... peṭaikku ... curakkuñ | ciruvi ñālal,* the *ñāḷal* of small blossoms being given by the little white cormorant to the hen (31, 2-5).

2. *arumpiṇi uṟunarkku vēṭṭatu koṭātu,* not giving that which is longed for to those who suffer from serious illness (136, 2).

3. *koṭuvāyppēṭaikku | muṭamutir nārai kaṭāṉmīṉ oyyum,* the old heron gives sea-fish to the crooked-beaked female (263, 6-7).

4. *ūraṟku...makaṭkoṭai yetirnta.. peṇṭē,* O woman... who hast opposed to the gift of the daughter...to the chieftain (310, 4...5).

5. *vaḷarāppārppiṟku...iṟai oyyum,* giving plumage... to the ungrown fledgeling (356, 5).

[15] For the term *dative*, cf. *Nannul*, s. 297 ; when enumerating the functions of dative, *Nannul* mentions at the first place the concept of *dare, kotai*, giving ; further it mentions *pakai*, disagreement, enmity, *nercci*, agreement, friendship, *takuti*, fitness, *atal*, material, *poruttu*, cause, *murai*, kinship Cf. also Beschi, *Grammatica latino-tamulica* (ed. 1917), §20°: "4us Casus *ku*...correspondet nostro dativo" ; Pope III, § 60 ; "*itan porul kotai, pakai, takuti, nimittam mutalivavaiyam*".

NOTE: In *Naṟṟiṇai* 10, 6...8 the dative-proper-relation is expressed by taxeme of order and zero-allomorph: *cōḻār.. paḷaiyaṉ vēl vāyttu,* the Chola, having given the lance to the Palaiyan.[16]

2. DATIVE COMMUNICATIVE (WITH VERBA DICENDI ET DECLARANDI).

1. *aṉṉai.. namakkeṉa kūṟiṉ,* if mother tells us that...(4, 5...6).
2. *kāṉakanāṭaṟk(u)...kūṟiṉ,* if (I) say unto the chief of the forest (47, 6...7).
3. *uraimati...tuṟaikiḻavōṟkē,* say thou...unto the chief (54, 8...11).
4. *makiḻnarkkeṉ...paruvaral ceppātōyē,* thou hast not said (about) my...affliction to the lover (70, 8...9).
5. *iṉṉatai.. niṉ ikuḷaikku uṇarttu,* 'declare such things to thy companion' (71, 1...2).
6. *niṉ | maṉaiyōṭku uraippal,* I shall tell to thy wife (100, 6-7).
7. *ammalai kiḻavōrkku uraimati,* tell to the chief of that hill (102, 7).
8. *eṉakku nī uraiyāyāyiṉai,* thou hast not told me (128, 3).
9. *nam varav(u)...puḷḷaṟivuṟīiyiṉa kollō ... tēmoḻiyāṭkē?* the sign of our coming, did the crows tell (it) to the woman of sweet speech? (161, 8...12).
10. *kuṉṟa nāṭaṉ ... arumai taṉakku uraippa,* when the mountain-chief is talking to himself about (thy) excellence (165, 5...6).
11. *yārkku nonturaikkō yāṉē?* to whom shall I, being afflicted, tell? (211, 1).

[16] Cf. e.g. Tel. *naku a pustakamu iccina adadi,* the woman who gave me that book (Master); Parji *papkulug in na cirat,* what will you give to the children (Burrow); Kol. *avrun inam si·ātun,* I will give them a reward (Emeneau).

12. *iniyevan molikō yānē...aruñcuram munniyōrkkē?* what shall I say now to that one who left previously for the terrible desert? (224, 8...11).
13. *nāṭarku uraittal onrō... annaikkuraittal onrō* saying one thing to the lord...and saying one (other) thing to the mother (244, 5...7).
14. *annaikku.. vēlan uraikkum enpa,* they say the god Vēlan speaks...to the mother (273, 4...5).
15. *irantōrkku | en nilai uraiyāy,* thou didst not say about my state to him who went away (277, 11-12).

Similarly the communicative dative is found in *Narrinai* 236, 5; 263, 1...4; 291, 5; 426, 5; 376, 9; 389, 3 and 296, 8-9.[17]

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[17] It is necessary in this connection to draw attention to the fact that there are several instances of *en-*, to say, tell, utter, express (*verbum dicendi*). having the indirect object in the accusative. Out of four cases in *Narrinai*, in three the verb *en-* is used in the meaning "to say (something) *about* somebody, to tell with regard to somebody, to say somebody to be so and so", cf. *perumalai natanai varuum enrole,* she said (about) the chief of the lofty hill that he was coming (65, 9); *perunkatar cerppanai | etilalanum enpa,* they say (about) the chief of the big ocean that he is also a stranger (74, 5-6); *mamalai natanaic canroy allai enranam,* we said (about) the chief of the lofty hill; thou art not an excellent one (365, 8-9). The last case, however, may be interpreted also: we said *to* the chief...etc. The construction *en-* plus accusative might be regarded as a sort of ellipse of a postposition meaning *with regard to, concerning to, about* (in New Ta. *parri, kurittu* etc., governing the accusative). On the other hand, the fourth instance, 389, 3...7 definitely points to a different interpretation: *annaiyum amarntu nokkinale, ennaiyum...enal kaval iniyenrole,* mother looked as if pleased and said to me:...'(Let thee) guard now the millet-field'. Which interpretation is right?

It is interesting to note that *en-* as a *verbum dicendi* with dative is not at all found in our text. This, however, is only an argument *ex silentio*. However, in Kolami (cf. Emeneau, *Kolami, A Dravidian Language,* 1955, p. 119) the verb *idd-*, tell, show, has a dative, "its direct object being either a direct quotation or some other noun not in the immediate construction". The verb *en-*, say (so-and-so), has its object in the accusative. Emeneau gives one instance: *tam ba·nun ennen,* he said to his father, and refers to 5 more examples in his texts; contra is only one instance where *en-* is used with the dative: *ma·salun ennen,* he said to his wife; according to Emeneau, "this dative may be a mistake for the accusative". The Kol. *tam ba·nun ennen* is in analogy with Early Old Ta. *annaiyum...ennaiyum...enrole* "and mother...said...to me" (389, 7).

According to a well-educated Tamil speaker, in New Ta. the verb *en-* is used only in the meaning "to say so and so", its object being direct quotation: if the speaker wants to use an indirect object in the dative or with the suffix *-itam,* he must use the verb *col-*, to tell, say: it is possible to say *avan ataiyenran* "he said that", but not *avan avalukku ataiyenran* "he said that to her"; it must be *avan avalukku* (or *avalitam*) *atai* (or *ataiyenru*) *connan.*

C. DATIVE COMMODI AND INCOMMODI

This dative is expressive, broadly speaking, of an action or state which takes place or exists *for the sake of* somebody or something (both in the positive and negative sense).

1. *kumiḷiṉ ... kaṉi ... maṭamāṟku valciyākum,* the *kumiḷ*-fruit becomes food for the female of the deer (6, 7...8). Similarly in 42, 4 ...5.
2. *emakku nalaṉ evaṉō ?* what good is (it) perhaps for us ? (45, 7).
3. *yāṅkuc ceyvāṅkol, tōḷi,... malaikkiḷavōṟkē ?* what shall we do, O friend, to the mountain-chief ? (51, 1...11).
4. *payaniraikku eṭutta maṇinīr,* the crystal-clear water taken for the milk-giving herd of cows (92, 6).
5. *viruntevaṉ ceykō...immaḷaikkē ?* what shall I do in return...to this rain ? (112, 1...9).
6. *kiḷavi...neñciṟku ēmamāñ ciṟitē,* the speech...becomes a little consolation for the heart (133, 11).
7. *ōmai...aruñcurañ celvōṟkku...niḷalākum,* the *ōmai*-tree...becomes shade...to those who left for the terrible desert (137, 7...8).
8. *ulakiṟku āṇiyāka,* to become the support for the world (139, 1).
9. *maruntu piṟitu illai yāṉ uṟṟa nōykkē,* there is no other remedy for the pain I have suffered (140, 11).
10. *piṟarkkeṉa muyalum pēraruḷ neñcamoṭu,* with a heart full of grace trying for (the benefit of) others (186, 8).
11. *emakku | ēmam ākum,* we are safe (lit. to us safety becomes) (192, 11-12).
12. *eṉ tōḷikku...kauvaiyākiṉṟatu, aiya, niṉ aruḷē,* to my friend, O sir, thy grace became slander (227, 4...1).

13. *cēval...pēṭaikku* | *iruñcēṟṟu ayirai tēriya,* the cock, going to find small fish (in) black mud for the female (272, 1...5).

14. *iṉṉai ākutal takumō.. niṉ col nayantōrkkē* ? is it right (that) thou art like this...to those who have desire after thy word ? (283, 5...9).

15. *kuṉṟa nāṭaṉ kēṇmai namakkē* | *naṉṟāl,* since the love of the chief of the hills is good for us (285, 8-9).

To quote further examples would mean to amass them *ad nauseam.* The Dative commodi is found also in *Naṟṟiṇai* 43, 80, 88, 94, 144, 174, 193, 194, 247, 252, 309, 322, 332, 373, all in all in 30 cases.[18]

§ 3. As far as the *etymology* of dative suffix is concerned, we are unfortunately able only to repeat Caldwell's view, expressed a hundred years ago : " The locative suffixes *il* and *in* can be explained *ab intra* ; but I doubt whether *ku* is capable of an *ab intra* explanation." According to Caldwell there is a connection between the dative termination *-ku*, the formative of verbal nouns, and the sign of futurity, the common " root-idea " being that of " transition ". So far, all attempts to explain this suffix of dative have proved futile.[19] A. Chandra Sekhar, *Evolution of*

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[18] J. Bloch sees in this function of the Drav. dative one of its typical and most important functions, Cf. his *Structure...* p. 17 : "Le datif a gutturale doit donc avoir une valeur plus indirecte ; c'est ce que note Bray pour le brahui ; § 39 il le traduit par " for, for the sake of " et le designe § 58 sous le nom de datif d'interet : *i tena bavaki da daghare daset,* I sowed this land for my father ".

[19] Thus, e.g., the attempt of L. V. Ramaswami Aiyar to connect the dative *-ku* with an " elementary Dravidian base " *kai,* " hand ", " make ". Very vague and uncertain is also the connection between the Dr. guttural dative and the Indo-Aryan *-ke, -ko.* If there is some relation between the two, it is certainly more probable to presume that there had been some influence exercised by Dravidian over Indo-Aryan, than *vice versa.* The origin of the IA. datives *-ke, -ko* is, so far, very uncertain (it has been connected with *krte, krtam,* or, on the other hand, with *kam*). It is fairly obvious that the Drav. dative in *-ku* (whatever its original form may have been) is of very ancient origin, which is proved, on the one hand, by its occurrence in all Dravidian speeches including Brahui, on the other hand, by its existence in the oldest literary monuments of Tamil 2000 years ago It seems that this case-form belongs to that stratum of grammatical phenomena which had been *part* of the *common stock of Proto-Dravidian.*

Malayalam (Poona, 1953), p. 75, footnote, writes: "From a comparison of the dative endings in the principal Dravidian speeches, it is possible to suggest a proto-Dr. form*-ke." This is a problem of historic and comparative investigation, which has not been the task of this study.

Now, our functional investigation results in the following conclusions:

a. In contradistinction to the Indo-Aryan languages, especially to Hindi which prefers the genitive, Tamil uses the dative case *very frequently*. This *rich* use of dative in *many different functions* is obviously *typical for Tamil*, since it is met with in the earliest texts extant, and in New Tamil this use is even more variegated and rich.

b. Most notable and numerous is the use of the dative as a case of *commodity* and *incommodity* (in the text of *Naṟṟiṇai* in 30 cases). Often it is used also in *communicative* function (22 cases) and in different *local* relations.

c. When asking after a certain *basic idea*, a "root-idea" of the Tamil dative, we reach the conclusion that it is, in an absolute majority of instances, the expression of an action which *aims at something, being directed from somebody or something towards somebody or something else*, the result of this action being often a *change* in the goal or in the actor. Thus, when compared e.g. with the locative or genitive in Tamil, it is a case with *dynamic force*, indicating *motion, change, transition*.

[NOTE: For technical reasons the diacritical marks have been omitted for words in other languages in the footnotes. The correct pronunciation of these words may be referred to the text where the diacritical marks are introduced.]

The Contents of Thesawalamai

H. W. TAMBIAH.

The origin and applicability of Thesawalamai were considered in the previous article. An attempt is made in this article to give in outline some of the topics dealt with by Thesawalamai. As observed earlier, the Thesawalamai does not apply to all persons who come under the group described as 'Jaffna Tamils', but only to those who regard the Province of Jaffna as their permanent home or, to give them a legal designation, 'The Malabar Inhabitants of the Province of Jaffna'. It is to be noted, however, that, unlike in the past, the scope of Thesawalamai is much limited at the present time, for, even in the case of the 'Malabar Inhabitants of the Province of Jaffna', the Thesawalamai operates only in certain matters. The rest of the fabric of the law, which governs them, is the general law of the land, which is to be found in enactments, precedents and those principles of Roman-Dutch Law and English Law, which the Ceylon Courts have adopted.

The original law of Thesawalamai has been mutilated and truncated by legislation and altered by precedent. In order to understand the fundamental concepts of Thesawalamai in its pristine purity, the earlier the source one delves into, the better will be the results. An attempt is made to present to the reader an epitome of some of the fundamental concepts of Thesawalamai. A fuller treatment of the contents of Thesawalamai is outside the scope of this article and the student is referred to a fuller treatise on this subject (see *The Laws and Customs of the Tamils of Jaffna* by H. W. Tambiah (1950) ; *The Laws and Customs of the Tamils of Ceylon* by H. W. Tambiah (1954) and *Thesawalamai* by Muthukrishna). The Thesawala-

mai principally deals with topics such as slavery, caste, marriage, adoption, succession, servitude and contracts usually entered into are peculiar to an agricultural community. These subjects will be dealt with in this order.

The Law of Slavery

Slavery, an institution that was recognised in earlier mediaeval law, was well known to Thesawalamai. The laws of slavery known to Thesawalamai have many similarities to the laws of slavery as found in the *jus gentium* of Roman times, the Indian customary laws and the customary laws of the Kandyans. (For similarities between the Kandyan Law, Bengal Law and Indian Law see *Origins of the Laws of the Kandyans* by Dr. J. D. M. Derrett—University of Ceylon Review, p. 138).

The Thesawalamai distinguished between slaves or *adimakkal* (அடிமக்கள்) and servants of the family or *kudimakkal* (குடிமக்கள்). The barber, the dhoby and a host of other family servants whose presence was necessary in important social events among the Tamils, such as marriages and funerals, belong to the latter category. These were not slaves but were attached to particular Vellala families who levied their dues in exchange for the services they rendered during customary observances (i.e., at a wedding, the dhoby can throw a piece of cloth at any present which is sent by the neighbours and it becomes his property—a practice prevalent among the Tamils of Jaffna as well as the Kandyan Sinhalese. The barber also has his customary dues).

Even the Pariah who had seen better days (The Parayer, who had a pre-Dravidian origin, is even now referred to as the *Adi-Dravida* (ஆதி திராவிடன்), had important functions in ancient society and is still given an important place in Tamil society. The Pariah is given importance in certain matters, as a matter of right, perhaps in view of

his importance in pre-Dravidian times. Although the Paraya is regarded as belonging to one of the lowest rungs in the social ladder by reason of his caste, he is not considered a slave among the Tamils.

Slaves among the Tamils

The Thesawalamai mentions only four kinds of slaves viz., the *Kovias*, the *Chandars*, the *Nallavas* and the *Pallas.*

Kovias :

The origin of *Kovias* is obscure as there is no caste of this description in South India. Sri S. Natesan is of the view that they are from the Telugu country where a caste of a similar name still exists. It is presumed that this caste originated in Jaffna. One view is (see *Yalpana Vaipava Malai* (2nd Edition) p. 57) that the word *Kovia* is derived from *Koyilar* (see *Tamils and Ceylon* by Sabaratnam (1958), which literally means 'servants of the temple'. Another view is (see *Early Settlements in Jaffna* by Sivananthan (1933) in Tamil) that the word is derived from *Ko-Idayar* (கோ-இடையர்) which connotes that they were cowherds. A fourth view is that they were the enslaved Sinhala Vellalas (among the Sinhalese the *Govias* were also referred to as *Goyas*). In view of the extreme affection with which the *Kovia* is treated by the Vellala, and in the absence of any function connected with the temple or the tending of cattle, and in view of the close verbal resemblance between the words *Kovia* and *Goviya*, the better view appears to be that they were Sinhalese Govias. To this group was also added a number of children sold into slavery by Vellala families who were in impecunious circumstances. The *Thesawalamai Code*, after stating that it will be a matter of difficulty to trace the origin of this caste, goes on to say, " it is supposed that some of them were sold in ancient times by their parents or friends to others in need " (see *Thesawalamai Code—* VII. p. 1).

The Chandars :

The *Chandars* were few in number and some, according to the Thesawalamai Code, were registered as *Kovias*. During the British period, they became free and performed Government services by assisting in carrying palanquins and providing fodder to elephants belonging to the Government. The regulations affecting slavery, enacted during the early British regime, do not refer to the *Chandars* as slaves for the reason that, during the British regime, they had ceased to be slaves.

The Nallavas :

It is surmised that the *Nallavas* were the remnants of the archers brought by the Tamil Kings according to one view. According to another view, they were the *Nambies* who displaced the *Shaners* who took up the occupation of climbing palm trees in Ceylon. They were called *Nallavars* since *Nalluva* (நளுவு) in Tamil means to climb (see *Yalpana Vaipava Malai*, p. 56). The Thesawalamai Code says that " from their origin, the *Nallavas* were slaves unless the masters through compassion emancipated them."

The Pallas :

The *Pallas* were the family labourers who accompanied their Vellala masters. In India too, this caste is found (see *Races and Tribes in India* by Thurston).

The Rights and Duties of Masters

Thesawalamai records some of the rights of the masters over their slaves. The master could exact service from his slave free of remuneration. He could delegate his slave to perform services due from him to the Government. He had proprietary right over his slave, and this right even extended at one time to the taking of the life of his slave or inflicting any type of corporal punishment or imprisonment. He had the right to control the marriage of his slave

and the power to appropriate his children if both the parents were his slaves, but if a female slave married another's male slave, the master of the male slave had the right to appropriate one male child (see The *Thesawalamai Code* VIII (4)-1901—*Legislative Enactments*, Vol. 1, p. 24).

The master's undoubted right to the slave's property is recognised by the fact that although the slave was allowed to possess property, the moment he was sold to another, the master had the right to appropriate his property. Further, it is stated in the *Thesawalamai Code*, that when a slave girl was sold, she lost her right to her parents' property, as she belonged to the parent's master, (see Section VIII (69) of the *Thesawalamai Code*).

The master also had the right to inherit the slave's property, if the brothers and sisters of the deceased slave were sold to others, but if they belonged to the same master they were permitted to possess such properties (see *Thesawalamai Code* 1(5)-1901 *Legislative Enactments*, Vol. 1, p. 24).

The *Thesawalamai Code* states as follows:—"If a *Nallava* or *Palla* slave lived apart from the master, the latter had the right to exact an yearly toll of 4 *Fanams*" (A Dutch coin equivalent to 6 cents).

The Duties of Masters

The master had a number of duties towards his slave. He had to maintain his slave and his family in times of need and defray the expenses incurred by the female slave at her confinement. The *Nallava* and *Palla* slaves were allowed to pawn their children, but the children of *Kovias* and *Chandars* could not be pawned.

Methods of Enslavement

A person became a slave by being born as the child of a slave, by purchase, gift or inheritance and sometimes

by recall into slavery due to insolent conduct after emancipation.

A slave could become free by emancipation. The Dutch and the British passed various regulations which enabled slaves to get their freedom, but few took advantage of this position.

Emancipation

If a man, who had no children, wanted to emancipate his slave, he had to announce this fact publicly and those who had a claim on the slave were allowed to object. If he wished to emancipate his wife's slave he had to get the consent of his wife's relations. But a couple who had children could emancipate their slaves at pleasure.

Succession

A man could, at pleasure, emancipate the child by his female slave. When an emancipated child died without issue, his property devolved only on his emancipated brothers and sisters who were related to him on the mother's side. If there were no such brothers and sisters to succeed him, the legitimate children of his father only inherited his property. But property gifted to any one of the emancipated slaves went to the source from which it came. The preference of the emancipated uterine brother and sister and the recognition of the legitimate children of his father as heirs in certain contingencies illustrate the existence side by side of the customs of matrilineal and patrilineal society.

Statutory Changes

The Dutch, by a series of regulations found in the Old Statutes of Batavia, legislated on slavery. During the early British regime, legislation was passed to mitigate the rigours of slavery. Finally, chiefly through the efforts of Sir Alexander Johnstone, slavery was abolished in Ceylon in 1844.

Caste

Closely linked with slavery is the institution of caste. There were many customs recorded in the Thesawalamai to regulate the relations between the various castes (For description of the Tamil caste system see *Caste System in Jaffna — Laws and Customs of the Tamils of Jaffna* by H. W. Tambiah). But it is not necessary to deal with these matters in view of the fact that the caste system has no legal consequences today.

Marriage

The Tamil Customary Laws regulate the customary form of marriages. For a valid marriage under the Thesawalamai, there should be :

(a) the consent of the parents, or, if the parents are dead, of their guardians.

(b) the attainment of the age of maturity.

(c) the requirement that the bride and bridegroom should be of the same caste.

(d) the necessary ceremonies.

The General Marriage Ordinance which regulates (a) and (b) contains no prohibition against inter-caste marriages.

So far as the ceremonies are concerned the statute is silent, and customary marriages among the Hindu Tamils are still recognised. (See *Thiagarajah* vs. *Kurukal*, 1923 (25 N.L.R., 89). Strict monogamy is now enforced by this statute.

Marriage is as much a sacred institution among the Tamils as in the Aryan society. In the time of Manu, marriage was an institution of great fluidity. " The celebrated eight ' forms of marriage '," says Dr. J. D. M. Derrett (*The origins of the Laws of the Kandyans* by *J. D. M. Der-*

rett, Vol. XIV. University of Ceylon Review) "was an attempt to regulate different methods of contracting marriage, all of which were undoubtedly in use in ancient times, mostly among the pre-Aryan inhabitants of India."

The formal type of marriage among the Tamils was simple and devoid of religious rites (see *History of South India* by Nilakanta Sastri). The same is true of Kandyan marriages (Hayley on *Kandyan Law*, p. 174). The ceremonies among the ancient Tamils varied, but in the main consisted of the tying of a necklace, called *tali* by the bridegroom, the present of a cloth to the bride (*kurai*). These ceremonies are performed in the presence of the relations, the barber, and the washerman and is followed by the giving of a feast. (See *Laws and Customs of the Tamils of Ceylon* by H. W. Tambiah for the marriage ceremonies among the *Vannias, Mukkawas* and *Purmas* and the *Vellala* Tamils). The Thesawalamai too recognized these ceremonies as sufficient. In modern times these rights are the only ones observed among the poorer class of *Vellalas* and the lower castes. In some marriages, Ganesha, the God of Nuptials, is invoked by a simple ceremony performed by the elders. The ceremony consists of the planting of a piece of *kusa* grass in a ball of cowdung and invoking the blessings of this deity. (See *Laws and Customs of the Tamils of Jaffna* by H. W. Tambiah, p. 107).

Among the *Vellalas,* these ceremonies were the only ones observed at one time (See Report of the Commissions regarding the Marriage Ceremonies. Muttukrishna on *Thesawalamai,* p. 180 & 190). In modern times elaborate ceremonies prescribed by *Dharmasastras* are performed. These simple ceremonies are very similar to those of the Malabars of the South-West Coast of India. *Sambandam* is the term used even today to designate the matrimonial alliance in Jaffna. *Sambandam* is the formal marriage known to the Malabars of the South Western Coast of India. The more elaborate form, *Vivaha* practised

today is a more recent innovation by Brahminical priestcraft.

Superimposed on these simple marriage customs described earlier are the Aryan rites performed when Vellalas of the richer and middle class marry. (For an account of the ceremony according to Brahminical rites, see *Laws and Customs of the Tamils of Jaffna* by H. W. Tambiah, p. 107 et. seq.). As the late Mr. V. Coomaraswamy observes (*Hindu Organ of 3-8-1933*, p. 4) many of these Brahminical ceremonies can be traced to Aryan influence and were brought by the later stream of Tamils.

The *Homam* ceremony, the rites connected with the gift of the virgin (*kannika thanam*), the six kinds of gifts, and the elaborate rites accompanied by the recital of Sanskrit slokas are Aryan rites superimposed on the simple nuptial ceremonies known to the Tamils, namely, the tying of the *tali*, the gift of 'cloth' *kurai* and the feasting of relations.

In the *kumpiddatte* gifts by the mother of the bridegroom and his relations when the bride arrives at the bridegroom's house after the *urvalam* ceremony, one sees the ancient concept of the purchase of a bride. A ceremony known as *vasatpaddy sudandaram* was found among the Chettiars of Colombo. The *vasatpaddy sudandaram* (a price which the bridegroom pays to the bride's cross cousin at the doorway) emphasizes the preferential right of the cross cousins to marry his uncle's daughter in Tamil society, and the purchase of this right by the bridegroom.

Infant marriages were recognised among the Tamils of Jaffna and are reminiscent of the *tali kattu kalyanam* of the Malabars. These and many other social customs remind the Jaffna Tamil of his connection with Malabar in the dim past.

Polygamy was recognised in Thesawalamai till it was abolished by statute. Polyandry, prevalent among the

Kandyans, is not recorded in the Thesawalamai, although among the Mukkuwas of Ceylon it was a well-established institution. Hence in ancient Tamil society both polyandry and polygamy were practised. The consent of the parents was essential to the marriage of a child. Although no particular age at which a valid marriage could be contracted was required, a girl, who had attained puberty (the usual age is 13 when a girl attains puberty) was considered competent to marry. Child marriages before this age were recognised under the old Thesawalamai. In such cases the husband acted as guardian to the bride in the marriage ceremonies.

Marital Rights

The Tamil customary law recognised the economic independence of women. Her dowry property, gifts received by her and property inherited by her were her separate property. In this respect the customary laws of the Tamils are superior to some of the texts of the *Dharmasastras* which were reluctant to recognise the separate property of the wife.

Under the old Thesawalamai, on marriage, the wife passed into the guardianship of her husband. The husband managed his wife's property and the jointly acquired property. She could not alienate her properties without the consent of her husband during coverture. The Matrimonial Rights Inheritance Ordinance (Jaffna) created separate property, such as her paraphernalia, jewels and moneys due to her on insurance policies, and gave her the right of disposition of her movables without the interference of her husband. The written consent of her husband is even now necessary for her to alienate her immovable property. The Matrimonial Rights Inheritance (Jaffna) Amending Act of 1947 gave her further rights by recognizing the property she acquired in her name as her property which she could dispose of by last will without the written consent of her husband. It also gave her further rights of succession by

recognizing her as an heir to half the acquired property of the husband. But at the same time it took away her previous right to half the acquired estate bought by her husband. Like a minor she has to be assisted in Court by her husband. This state of dependency is not warranted by the present state of social advancement and Law reform is needed to improve her position.

Divorce

Derrett says that " since the Dharmasastra of medieval times has followed the texts of Manu which apparently deny the validity of divorce (see Manu IX, p. 46, 101) it is generally believed that the Hindu Law, as such, knew no such thing as divorce until it was introduced by statute. This is a distorted view. A careful perusal of Manu and of Narada and the legal portions of Kautilia reveal that the widest liberty prevailed in classical times, and the Dharmasastra was shouldering a heavy task in attempting to reform society. While successfully bringing the public to believe that ceremonies were necessary to constitute a valid marriage, it has not succeeded in persuading Hindus that divorce was immoral ". In examining the customary laws of the Tamils of Ceylon and their Kandyan brethren one sees the force of Derrett's views.

Among the Mukkuwas and Wannias of Ceylon, the widest liberty to divorce one's wife existed. Mere separation was sufficient without any further ceremony to effect a divorce. The Wannias often lived with others' wives. The only penalty for this libidinous liberty was a small fine. The Thesawalamai itself provides no ceremonies for a divorce and speaks of a separation of the property when the wife or husband lives apart and contemplates remarrying. (*Thes. Code*, Part IV. Section 1 and Part 1, Section 10.) The recognition of polygamy placed no restraint on husbands getting remarried. Christian dogmas have permeated the Dutch compilation of the

Thesawalamai Code and hence the absence of any provision that a woman divorced by her husband without formality could contract a legal marriage. But when one examines the Customary Laws of the Tamils of Ceylon, one is forced to the conclusion that in Tamil society a divorced woman was not prevented from marrying a second time. The Thesawalamai permits the remarriage of widows.

But when she remarried, she had to give up her right to the hereditary property and half the acquired property of her husband in favour of her children. (*Thes. Code,* Part 1, Sections 9 and 10). The restraint placed on the remarriage of a widow in Hindu Law in some of the texts of the *Dharmasastras* is traceable to Aryan influences.

ADOPTION

Adoption was recognized both by archaic and mature systems of law. By adoption a child becomes a member of the adopting parent's family acquiring certain rights of succession Sir Henry Maine's theory (see *Ancient Law* by Sir Henry Maine) that adoption was recognized only in societies where testamentary disposition was not known is not universally true. Adoption was recognized by the Customary Laws of the Tamils and the Kandyan Law. On first impressions the Law of Adoption in Thesawalamai and in the Dharmasastras are so unlike that any historical connection between them might be denied outright. In this connection it may be apposite to cite the words of Dr. Derrett. In dealing with the Kandyan Law of Adoption he says (*Origins of the Laws of the Kandyans* Vol. XIV, *University of Ceylon Review,* p. 119) : "Once again appearance is misleading. Just as in the realm of marriage the *Dharmasastras* attempted, with the same success, to purify and refashion the customary law, so in the realm of adoption the classical texts took the raw material of the customary law—a Protean mass—and created out of it an institution which would be satisfying to the religious, as well as the sentimental and acquisitive

instincts of the docile public." In Thesawalamai and other customary laws of the Tamils of Ceylon, adoption is secular and uninfluenced by the recondite mysteries of the Dharmasastras.

In Thesawalamai not only a childless man but also a man with children can adopt. (*Thes. Code*). Not only a man but even a woman can adopt (*Thes. Code*). Daughters as well as sons can be adopted. The adoption may take place even after a child attains puberty. (*Thes. Code*). The adoptive child acquires no rights of succession to the relations of the adopter. In all these respects, the Thesawalamai has much in common with the *Kandyan Law*, (See Hayley on *Kandyan Law*, Modder on *Kandyan Law*) but differs from the Dharmasastras. Under the Dharmasastras the adoptive parent must be childless (Kane, III, 663). A wife or widow can only adopt as representative of the husband (Kane, III, 668 et. seq.). Only one person could be adopted (Kane, III, 674-875). Adoption should take place before the child attains maturity or is married (*Ibid.*, 679-681). Not one of these requirements is found in Thesawalamai.

The *dattaka* only adopted son allowed according to medieval texts, is in every relevant respect regarded as the true son of the adopting parent for purposes of adoption. Further the *Dharmasastras* did not permit the only son or an eldest son to be adopted. The Thesawalamai differed from these rules of *Dharmasastra*. It even favoured an adopted son and adopted daughter getting married. (*Thes. Code*). The adoption by a man or woman under the Indian Customary Law is to provide an heir, but under the law of the *Dharmasastras* the object is to provide a son who will perform the religious funeral rites. The custom of a woman to adopt on her own right though recognized by the Mithila School of Hindu jurisprudence, (Mayne, 278, et. seq.) is denied in modern times in most parts of India (Derrett *Ibid.*, page 120). Such a custom is found among the Tamils of Pondicherry (Srg. Avis, 144) and in Ceylon.

CEREMONIES OBSERVED DURING ADOPTION

A simple but colourful ceremony was observed among the Tamils in adopting a person. In Thesawalamai the ceremony consisted of drinking saffron water by the person who wished to adopt, after the person to be adopted and the relations of the adopting parent had dipped their fingers to signify their consent. Among the Colombo Chetties and Tamils of Puttalam, a similar ceremony was performed and the adopted child was called *manchall neer pillai* (மஞ்சள் நீர் பிள்ளை) literally " saffron water child ".

RIGHTS OF SUCCESSION OF THE ADOPTEE AND ADOPTOR

Analogous to the *adoptio plena* and the *adoptio minus plena* in Roman Law, (See Buckland's Text Book on Roman Law, pp. 122-123) the Thesawalamai recognized two types of adoption. Adoption could be by both the adopting-parents when both of them drank the saffron water. This type of adoption made the adopted child a new member of the adopting parents' family and his ties with his natural parents got severed. Such a child inherited equally with the children of the adopting parents and ceased to have rights of inheritance in his natural parents' family. There could be partial adoption, as where the adopting father alone drank saffron water. In such cases, the child had rights of inheritance to his natural mother's property. On the other hand if the adopting mother alone drank the saffron water, the child retained his rights of succession to his natural father's property. (*Laws and Customs of the Tamils of Jaffna* by H. W. Tambiah, p. 134, et. seq.)

The consent of the close relations was also insisted upon to constitute a valid adoption. The consent was signified by the relations dipping their fingers into the saffron water. If any relation did not consent, then such a person did not lose his rights as heir to the adopting parent to inherit the particular share that would have gone to him on the death of that parent.

Change of caste

Under the Law of Thesawalamai the adopted child took the caste of the adopting father. If she was a girl she took the caste of her adopting father, but her children belonged to the caste of her own husband.

Law of Adoption obsolete

With the recognition of the Law of testamentary disposition, the necessity for adoption ceased and became obsolete, although the statutory provisions governing it existed on the statute book for some time (See *Report of the Thesawalamai Commission*—Sessional Paper No. 3 of 1930). The Jaffna Matrimonial Rights and Inheritance Ordinance makes no provision for the succession of adopted children and this gave the *coup de grace* to an already moribund institution. In Ceylon, a general statute dealing with adoption of children applicable to all persons who are domiciled in Ceylon was passed in 1941. Adoption under the statute has its own incidents and is applicable to all persons in Ceylon and is not governed by the Thesawalamai.

Guardianship

The Thesawalamai recognizes the father, and on his death, the mother, as the guardian of the child, so long as they did not contract a second marriage.

When the father remarries, the custody of the children has to be handed over to the maternal grand-parents of the child, who are empowered to give as dowry to the female children their mother's separate property and half of the acquired property of the mother. (*Thes. Code*). Interpreting these provisions, the Supreme Court held in Ambalavanar *vs.* Ponnamma that these provisions of the *Thesawalamai Code* were not imperative but merely set out a convenient arrangement. It is submitted with

respect that the ruling in *Ambalavanar* vs. *Ponnamma* (1941, 42 N.L.R., 289) does not correctly set out the law of guardianship in Thesawalamai. The law on this point is more correctly set out in *Theivannpillai* vs. *Ponniah* (1914, 17 N.L.R., 437) and *Kanapathipillai* vs. *Sivokolunthu* (1911, 14 N.L.R., 4841). These cases decided that the provisions of the *Thesawalamai Code* regulate the Law of Guardianship. The *Kandyan Law* adopted a similar rule (Hayley on *Kandyan Law*). Although this topic was not developed by the Dharmasastras, Indian Customary Law adopted a similar rule. In giving reasons for this preferential treatment to the mother's parents Dr. Derrett is of the view that if the property remained with the father's brothers it would be extremely difficult for the child to assert his rights (*Origins of Kandyan Law—University Review, Ibid.*, p. 124).

Parent and child

In Thesawalamai, the Kandyan Law and the Indian Customary Law, the sons are under obligation to pay the father's debts—a provision which is now obsolete. Tamil Customary Law made it incumbent on a son to honour his father's debt. It is submitted that the *Dharmasastras* adopted this rule from the Indian Customary Law. If the property was given to a child on a promise to support the parents, he has to support the aged parents who gave the property ; in default the parents could retake the gift.

The obligation of the father to support his legitimate and illegitimate children is now governed by a general statute, the Maintenance Ordinance, which applies to all domiciled in Ceylon. A woman governed by Thesawalamai and who is in possession of her deceased husband's estate is bound to maintain her children by statute (In Ord. 1 of 1911). The obligation of the children to support the aged parents is now not based on Thesawalamai but on the Roman Dutch Law.

The Law of Property

The different kinds of property known to Thesawalamai

The Thesawalamai distinguished between hereditary property brought by the husband known as *mudusam* (முதுசம்) and dowry property brought by the wife known as *chidanam* (சீதனம்) and acquired property known as *theddiatheddam* (தேடிய தேட்டம்).

On the death of the father, his hereditary property descended only to his sons. The daughters were given dowry only from the dowry property of the wife and the acquired property was divided among all the children equally (*Thesawalamai Code* I, 1). But, in Portuguese times, on the "orders of the King of Portugal, during the time of Don Philip Mascarenha, among the many alterations that were made affecting Thesawalamai, a daughter could be given dowry out of any property, irrespective of whether is was *mudusam* dowry of the mother or acquisitions."

Dowry or Chidanam :

The institution of dowry is deeply rooted in Jaffna society. The duty of providing a dowry to a daughter is cast on the parents and, failing the parents, on the brothers, sisters and close relatives. The dowry consists of immovables, movables, cash or jewellery, as the case may be, and it is a substantial endowment to the daughter. Its characteristics are more akin to the settlements made by the *karnavan*, in Malabar, to his daughters when they are married, and have very little similarity to the *stridhana* known to the *Dharmasastras*.

The genesis of *stridhana* (woman's property) could be traced to Vedic literature. The wedding hymn in the Rig Veda (X. 85) speaks of gifts being sent along with the bride. From the works of Manu (VIII 416) and other text

writers, the property owned by women consist of presents made at the marriage, such as ornaments, costly dresses and household articles (*Kane*, III, 771).

Gautama does not define or describe *Stridhana.* Kautilia (Kane III, 2, p. 152) defines it as " means of subsistence and what could be tied to the body, i.e., ornaments and jewellery ". Although *stridhana* literally means woman's property, in ancient Smrthi works, the term is restricted to special kinds of property given to a woman on certain occasions.

Manu describes *stridhana* as what was given before the nuptial fire, in the bridal procession, in token of love, received from her father, mother and brother. He called it the sixfold property of the woman (Manu IX, 194). Manu also speaks of another form of *stridhana,* the subsequent gift (*ibid.,* IX, 195). Several other Smrthi writers have expressed various other views on *stridhana.* Katayana gives an elaborate account of *stridhana* and includes, within the ambit of this concept, gifts given by the father-in-law. Apart from the apparent similarity in name, the *chedanam* in Thesawalamai, has very few characteristics in common with the *stridhana* of Hindu Law (Mayne, 10th Ed.).

The Dharmasastras started with the principle that a woman could not hold property and gradually ameliorated her condition by recognising certain species of property as her own, whereas the Thesawalamai recognised the right of a woman to own dowry property and cast both moral and legal obligations on the males to provide the dowry.

Writers of eminence have traced the origin of *chedana* to the practice prevalent in Malabar, enabling a male who is the *karnavan* of the *tavasti illam* to provide a marriage settlement for his daughter and thus creating separate *tavasti illams.* It is said that the early settlers who came from the Malabar coast continued this practice in Jaffna. This view cannot be considered to be fanciful.

Urumai Property

Property inherited by a person not through his direct ancestors, but through collaterals and other relations, is called *urumai* (உருமை). Again, *urumai* property may be derived from the maternal or paternal side.

Theddiatheddam or Acquired Property :

Theddiatheddam or acquired property under the old Thesawalamai consists of profits during the marriage. The Jaffna Matrimonial Rights and Inheritance Ordinance gives it a twofold definition. It divides such property into : (a) property acquired for valuable consideration during the subsistence of the marriage ; and (b) profits arising from the separate properties of either spouse during the subsistence of the marriage.

This definition, although intended to restate the old Thesawalamai, brought about curious results as a result of judicial interpretation. The original interpretation which was given to the first limb of the definition was that it comprised of property acquired for valuable consideration and did not include conversion of other kinds of property such as *mudusam* or *chedanam*, into immovables or cash, as the case may be. (See *Nalliah* vs. *Ponnama*, 22, N.L.R., 198). But in *Avitchy Chettiar* vs. *Rasamma* (35, N.L.R., 313), the Divisional Bench of the Supreme Court took the view that when an immovable property is bought with the cash dowry of the wife it acquired the character of *theddiatheddam* since it is property acquired for valuable consideration during the subsistence of the marriage and thus satisfied all the requirements of the first limb of the definition.

This decision caused great alarm among the people of Jaffna and a Commission was appointed by the Government whose function, *inter alia,* was to draft a new definition of *theddiatheddam.* The Commission, after many years of deliberation, produced their report and suggested an amendment of the law so as to abrogate the rule laid down

in *Avitchy Chettiar's* case and restored the old view that property did not change its character by conversion. The Thesawalamai Amending Ordinance of 1947 was passed giving effect to the recommendations of the Commission. This Ordinance repealed Sections 19 and 20 of the principal Ordinance and substituted a new definition of 'theddiatheddam' as follows :—"No property other than the following shall be deemed to be the *theddiatheddam* of a spouse : "

(a) property acquired by that spouse during the subsistence of the marriage for valuable consideration, such consideration *not forming or representing any part of the separate estate of that spouse.*

(b) profits arising during the subsistence of the marriage from the separate estate of that spouse.

Under the old Thesawalamai, the nature of the interest which a spouse had when the property was bought in the name of the other spouse was a matter of doubt. The decisions of the court developed on two lines. One view was that both were equal owners. The other view was that the spouse in whose name the property was bought, was the legal owner, the other spouse has an equitable interest in half, which crystallized into legal ownership on death or divorce. The Jaffna Matrimonial Rights and Inheritance Ordinance made the spouse in whose name the property was bought the legal owner of half, and further stated, that on death, divorce or a separation by an order of court, the half share separated and each spouse had the right to deal with his or her share. During the subsistence of the marriage, the husband was considered the manager and he could therefore sell or mortgage the acquired property without the consent of his wife, but could not gift more than his half share. But if he gifted the whole of it and a *bona fide* purchaser bought it from the donor, the wife lost title to her half and the only remedy she had, was to sue her husband for compensation.

The Jaffna society underwent a metamorphosis in course of time. Many people ceased to follow the agricultural pursuits of their forefathers and took up to intellectual vocations and business. There was a growing feeling that the old concept of Thesawalamai which gave half share to the woman of the property acquired by the husband for valuable consideration during coverture should be discarded in view of the changed conditions. Before the Thesawalamai Commission, many witnesses stated that recognition of the wife's half share in the *theddiatheddam,* although it suited an agricultural economy when both the husband and the wife toiled and earned their living by the sweat of their brow, was thoroughly unsuited as the wife contributes little or nothing to the acquisition of wealth by her husband. Hence, they said that legislation should be enacted to make only that spouse in whose name the property is acquired the sole owner of the *theddiatheddam*, but, on intestacy, half share of it should devolve on the surviving spouse. Ordinance No. 58 of 1947 gave effect to these recommendations. This Ordinance, however, is not retrospective, and applies to all *theddiatheddam* property acquired after September 1947 by persons governed by Thesawalamai. In spite of its obscurity, the effect of this legislation, *inter alia,* is to make the spouse in whose name the *theddiatheddam* property is bought both legal and equitable owner and to make the other spouse a legal heir to half of the acquired property on death, if no disposition *inter vivos* of such property has taken place by the spouse in whose name the property is acquired.

Testamentary Disposition

Testamentary disposition was not known to Thesawalamai. The Dutch introduced it and the English developed it and it became an institution used in Jaffna as well as in other parts of Ceylon.

The Rules of Intestate Succession in Thesawalamai

The Thesawalamai mainly dealt with the rules of intestate succession. In approaching the subject one must consider three periods. The law of intestate succession of those who died before 1911 was governed by the rules of succession contained in the *Thesawalamai Code*, the principles of law developed by the Courts by analogy and the rules of Roman Dutch Law which were applied in case of *casus omissus*. Some of the rules of intestate succession in the *Thesawalamai Code* are obsolete yet others are so obscure that one of the eminent judges referred to these rules as " a wilderness of single instances " (per Pereira, J. in *Chellappah* vs. *Kanapathy*, 17 N.L.R., 295).

The Jaffna Matrimonial Rights and Inheritance Ordinance 1 of 1911

The Jaffna Matrimonial Rights and Inheritance Ordinance was passed in 1911 to reform the law of intestate succession and to create separate property for the wife in certain types of property. The last part of the Ordinance, following the analogous provision of the Matrimonial Rights and Inheritance Ordinance (which itself was based on the English Common Law, as it then stood), regards the wife as the owner of her jewels, paraphernalia and insurance effected in her name. It gives her the power to dispose of movables at her will, but requires the written consent of her husband for a declaration of immovable property in her name. Alienation is a generic term including leasing, mortgaging and creating other interests in land. It also creates new rules of intestate succession which will be dealt with later.

The scope of the amending Ordinance 58 of 1947 has already been discussed. For the purpose of the law of inheritance, it gives a new definition of *theddiatheddam* and makes the spouse, in whose name the property is acquired, the full owner and makes the spouse a legal heir to such half.

The Rules of Inheritance before 1911

The rules of inheritance before 1911 are to be found in the scanty provisions of the *Thesawalamai Code,* a few decisions found in Muttukrishna's work and in the law reports. In the absence of clear principles which could be deduced from the rules of Thesawalamai, the Roman-Dutch Law is resorted to as the residuary law of the country.

Under the old Thesawalamai the property, belongs to the family. The father has the right to administer the family property during the subsistence of the marriage. On the father's death, his hereditary property and half of the acquired property (subject to the obligations of payment of debts) devolves on his male children and undowried daughters. The dowried daughters, like the *diga* married daughters under the Kandyan Law are excluded from inheritance. On the mother's death, the dowry property and half of the *theddiatheddam* devolves on her children, the married daughters being excluded. But the father has the right to the usufruct of the property till he marries a second time. The mother has a similar right over her dead husband's acquired property and half of the acquired property.

The Devolution of Urumai

As we have seen earlier, property descending from an ancestor was known as *mudusam.* The property devolving from collaterals and others, on the other hand, was known as *urumai* property. The rules of devolution governing *urumai* property are complicated, but two fundamental rules could be observed. Firstly, females succeeded females and males succeeded males, and secondly, the rule is that the property reverts to the side from which it came.

If a married daughter dies, her dowry devolved on the other married sisters and the female descendants of her

children. Even if an unmarried sister dies, her property devolves on her sister or sisters to the exclusion of the brothers. Similar rules existed in the Marumakattayam Law. When one *tavasti illam* is extinct, the property belonging to the family unit is inherited by the other *tavasti illams.* The brother's property descended to the other brothers to the exclusion of the sisters—a rule of patriliny preserved in Thesawalamai.

In view of the rule that property reverts to the side from which it came, the father, in no event, succeeds to the property of a child derived from his mother's side when the intestate has mother's relatives surviving him. The father retains his own hereditary property and his half share of the acquired property unless, due to age or infirmity, he divides it among the children on a promise of support by the children (T 12). If the children do not honour the promise, the father can get back the property given.

The Rules of Inheritance under the Jaffna Matrimonial Rights and Inheritance Ordinance No. 1 of 1911

The Jaffna Matrimonial Rights and Inheritance Ordinance lays down statutory rules of succession to persons governed by the Thesawalamai and who are unmarried and die after the Ordinance came into operation. It further applies to males who were governed by the Thesawalamai and who are married after the Ordinance came into operation and during the subsistence of the marriage. A woman who marries a person not governed by Thesawalamai is not governed by it during coverture although, before her marriage, she was governed by it.

Property is broadly divided into 'father's side property' and 'mother's side property'. Either type of property may devolve on the death of an ancestor. Such property, as already stated is called *mudusam.* If the property devolves from any other relative it is called

urumai. Property received by any person in *mudusam, urumai,* dowry or under a will, as a legatee, donation or any other manner, other than for pecuniary consideration from a father or any of his ascendants or any of his collaterals, is designated "father's side property" (17). Property derived from the mother's relatives in similar ways is called "mother's side property".

Subject to the surviving spouse's right to usufruct of the property of the deceased spouse during the minority and unmarried state of the children, the order of succession is descendants, ascendants and collaterals. Different rules of succession are prescribed for 'father's side property' and one half of the remainder of the estate and 'mother's side property' and one half of the remainder of the estate. The children took their share per capita, but the children's children took it *per stirps.* All relations of equal degree shared the inheritance equally. The object of the statute is to make the relations of the father, heirs of the 'father's side property' and the relations of the mother, the heirs of the 'mother's side property' in the absence of children.

On the failure of kindred on the mother's side the property derived from such source devolves on the father's kindred in the same order, and *vice versa,* on the failure of the father's kindred on the father's side, the property derived from that side goes to the kindred on the mother's side. In the absence of any heirs, the surviving spouse is made an heir to the whole of the deceased spouse's property. If there is no surviving spouse, the property escheats to the Crown.

Illegitimate children inherit the property of their intestate mother, but not of their intestate father, nor the property of their mother's relations. Where an illegitimate child dies, leaving no spouse or descendants, his property goes to the mother and the heirs of the mother to the exclusion of the Crown.

Where the. Statute is silent, the provisions of the Matrimonial Rights and Inheritance Ordinance are applicable and when this is silent, the Roman Dutch Law, as it existed in South Holland, applies.

Limited Interests in Property known to Thesawalamai

In law, a person might have limited interests, short of full ownership, in another person's land. The Glossators, coined the Latin phrase *jura in re aliena* when these interests could be asserted, not only against a particular person, but against the whole world. Such limited interests are also known to the Thesawalamai. Servitudes peculiar to this system of law, leases, *otti* mortgages and pre-emptionary rights belong to this category.

As stated earlier, our courts have taken the view that the principles of Thesawalamai applicable to the above topics are local in character and apply to all lands situated within the Northern Province of Ceylon whoever the owner may be. In *Suppiah* vs. *Tambiah* (1904, 7 N.L.R., 151) the Supreme Court took the view that the law of pre-emption applies to sales of all lands in Jaffna whether the vendor or the purchaser is an Englishman, Moor, Tamil or Sinhalese. The Supreme Court rejected the contention that the law of pre-emption applies only to the Tamils governed by the Thesawalamai.

Even the Dutch and the British adopted the view that the "*Seventy Two Orders*" promulgated by the Dutch enjoined (Order 27) all those who wish to "sell or otti any lands, houses, slaves or gardens" to procure the publication thereof for three weeks in the nearest church. The decisions referred to, in Muttukrishna's work support the rule laid down in *Suppiah* v. *Tambiah*. It is too late in the day to contend that this part only applies to Tamils governed by the Thesawalamai.

SERVITUDES

Servitudes are either personal or praedial in Roman Law and systems based on it, such as the Roman Dutch Law. Praedial Servitudes attach to the dominant land. Servitudes may be of different kinds. The most important are :—the right of way over another's land, the right to lead water, the right to draw water, etc. Many servitudes recognised by the Roman Dutch Law, are recognised in Ceylon. In addition to these, the Thesawalamai recognises servitudes which are peculiar to the Northern Province of Ceylon. The recognition of these servitudes is consistent with the principle of Roman Dutch Law that the list of servitudes known to it, is not exhaustive. Servitudes, not known to the Roman Dutch Law, will be recognised by our Courts if their existence can be proved by custom (*Kawrala* vs. *Kirihamy*, 4 C.W.R., 187).

In the Northern Province of Ceylon, attempts to create certain types of servitudes over land have failed for want of proof of certainty and reasonableness of such a usage. In *Vallipuram* v. *Sandanam* ((1915), 1 C.W.R., 96) it was contended that a landowner who has a coconut land adjoining a field could not plant trees within a margin of four yards from the boundary. It was held that there was no such servitude.

There are certain peculiar servitudes set out in the *Thesawalamai Code* and still others have been established by custom.

SERVITUDE OF ENJOYMENT OF FRUITS OVER AN OVERHANGING BRANCH OF A TREE

Unlike the Roman Dutch Law, in Thesawalamai, if a person plants a tree which requires attention and the branches of that tree overhang his neighbour's land, the owner of the tree has the right to the fruits on the overhanging branch. His neighbour has no right to the fruits

nor does he have the right to lop the branches. (See *Laws and Customs of the Tamils of Jaffna*—Tambiah, pp. 263-264).

Servitude of crossing fences

Jaffna is a land of fences. The Thesawalamai recognises the right of a person to cross his neighbour's land for the purpose of erecting a boundary fence (*Ibid.*, p. 265).

Leases

The law of leases in Jaffna is governed by the Roman Dutch Law, the general law of the land. But the Thesawalamai deals with the leasehold known to the ancient Tamils. These leaseholds are similar to the leases in Malabar (Section 7 Part IX). The rights and obligations of Landlord and Tenant is regulated. In the absence of agreement, the provisions of Thesawalamai on this matter, are followed.

Otti Mortgage

Otti mortgage under the Thesawalamai may be defined as a 'usufructuary mortgage of lands situated in the Northern Province of Ceylon for a definite sum of money or other legal consideration, on condition that in lieu of interest, the mortgagee should take the produce of the land and that it should be redeemable at certain fixed periods of the year after due notice has been given ! (See *Laws and Customs of the Tamils of Jaffna*—Tambiah, p. 275).

The Marumakattayam Law recognises a similar type of usufructuary mortgage and it cannot be a mere coincidence that it is known by the same name. Lewis Moore defines *otti* under the Marumakattayam Law as follows: (See *Lewis Moore on the Malabar Law and Custom*, p. 250) "An *otti* may be defined as a usufructuary mortgage, the usufruct of which extinguishes the interest, leaving only a nominal rent to be paid to the mortgagor". The same

incidents are attached to *otti* as a *kanam* (a leasehold known to the Marumakattayam Law) but, in *otti* the mortgagee has the right of pre-emption. The incidents of mortgage under the Thesawalamai are the same as in the Marumakattayam Law, subject to certain variations.

The mortgage known as *otti* was known to the Tamils in the time of St. Sundarar. The hymn of this Hindu saint beginning with the lines *vittu kolvir ottiyalan virumpi adipadan* cannot be comprehended unless one understands the significance of otti under the Thesawalamai and the Marumakattayam Law. St. Sundarar was pleading for the restoration of his eye. The right of pre-emption in the *otti* form of mortgage known during the time of this Saint, is expressed in felicitous language when the Saint says, " I willingly surrendered myself and became thy slave forever ; and thou hast full dominion and plenary control over me. There is no other master to question it, and there is nobody else having any subsidiary rights over this slave, to intervene on behalf of the slave against the doings of the Supreme Master ". Sundarar condemns the Deity in the following moving lines : " The slave has done no wrong. But it pleases Thee, my Master, to deprive me of my eyesight. What reason canst Thou assign for inflicting on me the wanton cruelty of depriving me of my eyes ? None ! and therefore Thou standest condemned. After so many entreaties from me you have restored me one eye. If Thou wouldst not restore me the vision of my other eye, may Thou prosper, my plenary Lord ! ". The idea of the ' otti ' holder as the supreme owner, having pre-emptionary rights over the subject matter of the *otti* is described by St. Sundarar in this beautiful stanza.

Otti mortgage, therefore, was known to the ancient Tamils and the incident of ' otti ' in St. Sundarar's time, was not very different from what is found both under the Marumakattayam Law and the Thesawalamai.

Although the *Dharmasastra* recognised a usufructuary form of mortgage (*adi* that was *bhaya*—Kane III, p. 430), the incidents are not the same as *otti*. Hence *otti* was known to the Tamil customary law and its incidents are not influenced by the *Dharmasastra*.

LEASEHOLDS

The leaseholds set out in the *Thesawalamai Code* which imposes the duty on the tenant to give two-thirds share of the produce to the landlord has its counterpart in the *verumpattam* (வெறும்பட்டம்) lease of Malabar in India. (See *Laws and Customs of the Tamils of Jaffna*—Tambiah ; *Lewis Moore, Malabar Law and Custom,* p. 191 et seq). Some of the decisions of the Ceylon Courts have even gone to the extent of holding that the law of pre-emption known to Indian customary law, will be presumed to be founded on, and co-extensive with the Mohamedan Law until the contrary is shown (See *Mohammeddan Law* by Tyabji (2nd Edition) p. 658 and the cases cited therein).

The researches of Kane and others have shown that *otti* mortgage was recognised in Indian customary law and was not influenced by the Dharmasastras (Kane III, p. 496). Kane cites Smrṭhi texts which prohibit the sale of lands owned by Brahmans to Sudras and Chandalas. Kane further cites texts which recognised the right of pre-emption in favour of full brothers, *sapindas*, *samanodakas*, *sagotras* (certain classes of heirs under the Hindu Law), neighbours and creditors (Kane III, p. 496). The law, as contained in the Smrthi works, dates back at least to 1500 years, a period anterior to the Mogul invasion of India. The recognition of pre-emption in the Tamil country in St. Sundarar's time, proves that this concept was known to the Tamils before the Mogul influence had penerated South India.

THE LAW OF PRE-EMPTION

Pre-emption is the right a person has to buy the property of another in preference to other buyers. It has

been defined as 'a right which the owner of certain property possesses as such for the enjoyment of that property, to obtain in substitution for the buyer, proprietary possession of certain other immovable property, not his own, on such terms as those in which such later immovable property is sold to another' (per Mahmood, J., in *Gobind Dayal* v. *Inayatullah* (1885) 7 All. 775 @ 809; cited with approval by Wieyewardene J., in *Karthigesu* v. *Parupathy*, 46 N.L.R. 162).

Pre-emption is recognised in many systems of Indian customary law and is an institution intended to protect outsiders from purchasing family property. It is found in the ancient Code of Hammurabi (2200 B.C.) (See the *Law of Pre-emption* by Agrawala (6th Ed.) pp. 20, 21). The Mosaic Code probably influenced by the Babylonian Law, contained the same provisions of pre-emption (See *verses 24-34 of Leviticus*).

Different theories have been expounded regarding the origin of the law of pre-emption, in India. In *Brij Lal's case (1867) N.W.P. Full Bench Rulings*—July-Dec. p. 95), the view was taken that pre-emption was known to the ancient customary laws of India as a remedy to prevent the intrusion of a stranger into the estate of the family of community rather than any desire to borrow an institution from the Mohameddan Law. It was also pointed out that the Mohameddan form of pre-emption (*Wajib-Oolwiz*) is different from the pre-emption known to the Indian customary law. A contrary view was expressed by Sir John Edge in delivering the opinion of the Privy Council in *Digambar Singh ((1914) 42 I.A., 10)*. The learned judge said that pre-emption in village communities in British India had its origin in the Mohammeddan Law and was apparently unknown in India before the time of the Moghul rulers. This view of the Privy Council has been adopted in a large number of cases decided by the Indian Courts. The customary laws in Bihar, Gujarat and even the *Dharmasastras* on the other hand establish the fact that

pre-emption was not an institution borrowed from the Mohammeddan Law. It is submitted that the view expressed by the Full Bench was the more correct one.

In Ceylon, some writers opined that pre-emption found its way through the Mohameddan Law (See *Laws of Ceylon Vol. I—Balasingham*). But this is an unreal view in virtue of the fact that pre-emption is unknown even to the Muslim Law as applied in Ceylon. The Mohammedan Code of Laws prepared by the Dutch and the British does not even mention the Law of Pre-emption.

The Dutch and the Tamil versions of the *Thesawalamai Code* gave the right of pre-emption to four classes of persons, namely, co-sharers, co-heirs, adjacent landowners and otti mortgagees. But due to an error, the English translation gave the right of pre-emption only to co-owners, persons who would be heirs on intestacy of the vendor and otti, mortgagees who have lands adjacent to the land in question. The English translation was regarded as authentic and the Courts gave the right of pre-emption only to three classes of persons mentioned above. The vendor has to give notice of the intended sale of the land to the person or persons entitled to pre-emption. Failure to do so would enable the pre-emptor to bring an action to set aside the deed of sale and that his name be substituted as purchasers on payment of the market prices. The period within which notice has to be given is prescribed by the *Thesawalamai Code.* If the pre-emptor lived in the same village it was one month, if, within the same Province, but outside the village, it was three months. If the pre-emptor lived outside the Province it was six months and for those who lived outside Ceylon it was one year (*Thesawalamai Code* VII.).

During the Dutch regime, most of the people of Jaffna were Christians (See *Baldeus*), and the *Thesawalamai Code* was intended to apply only to the Christians. The "Heathens" who married Christians, were given certain

concessions. The Dutch compiler says that the mode of giving notice set out above underwent a change during the time of the "old Commander Bloom" of blessed memory as, since those orders, no sale of lands whatsoever has taken place until the intention of such a wish to sell the same has been published on three successive Sundays at the Church to which they belong, where objections have to be lodged.

During the early British period (Joseph Cuffe J says that the custom originated in 1806— Muttukrishna on *Thesawalamai,* p. 1), a new form of notice known as a Publication Schedule was introduced. This received legal sanction in 1842 by the promulgation of Ordinance No. 1 of 1842. This Ordinance was repealed in 1895 by Ordinance No. 4 of 1895. Thereafter, notice may be either oral or in writing. In a majority of cases the Courts have to decide on oral evidence. This leads to perjury and many other inconveniences.

In view of the unsatisfactory state of the law of pre-emption, the Thesawalamai Commission recommended many changes which have far reaching consequences which were later adopted by statute.

THE THESAWALAMAI PRE-EMPTION ORDINANCE NO. 59 OF 1947

The Theasawalamai Pre-emption Ordinance brought about statutory changes both in the substantive law of pre-emption and the procedure to be adopted if a right is infringed. This Ordinance further restricts the right of pre-emption to co-owners with the intending vendor, and persons who would be heirs of the intending vendor if he died intestate. The right is not given to all heirs. It is restricted to descendants, ascendants and collaterals (Section 4). This right could only be exercised if the property is held in undivided ownership.

Recent decisions (*Ramalingam* vs. *Mangaleswari* 53 *N.L.R.* 133, *followed in* 55 *N.L.R.* 133.) insist on a further requirement, namely, the financial means of the pre-emptor. It is submitted with respect that this is an undue extension of the law and is not warranted by the provisions of the statute. This requirement will prevent those in whom the pre-emptionary right is already vested from obtaining a loan and exercising their right of pre-emption. The Statute further vests a right and it is submitted that this right cannot be whittled away by the further refinements.

To avoid the perpetration of frauds and perjury the Statute requires that notice should be notarially executed, duly posted and published. The procedure, by which the pre-emptor can complete his purchase by private treaty, is also prescribed by the Ordinance. Failing such an agreement, the steps to be taken in Court are also prescribed in the Ordinance. The price the pre-emptor has to pay to enforce his right is the prevailing market value. In the case of a number of co-owners and heirs bidding, it is enacted that no preference shall be shown among them and the highest bidder should be declared the purchaser.

The Law of Obligations as Recognised by the Thesawalamai

The *Thesawalamai Code* does not deal with delicts or quasi-contracts but treats a few contracts which are common in an agricultural community. It also deals with the sale of both movables and immovables. In dealing with the latter, it must be noted that it contains the law of pre-emption which was applied before the Pre-emption Ordinance came into operation. The Sale of Goods Ordinance, based on the corresponding English Act, now provides for the law governing sale of goods. The Roman Dutch Law and general statutes apply to the sale of immovables. An interesting point to be noted is that, under the old Thesawalamai, a sale of a cow was complete, the moment the dry

dung of the animal was given to the purchaser, a characteristic which is common to many archaic systems of law. The provisions of the Thesawalamai on this subject are obsolete today.

A few rudimentary provisions governing pawn, hire of beasts and exchange are contained in the *Thesawalamai Code* which are all obsolete. The provision that a pawnee who uses for his personal use the ornaments pawned with him without the consent of the pawner forfeits the interest for that period is found in Hindu Law (See Colebrooke's *Hindu Law* Vol. 1 p. 149). The rule of Thesawalamai is that a hirer of a beast need not pay any compensation or damage if the animal gets disabled. The proprietor must consider such loss as accidental. The proprietor must further supply another animal, if the animal died during the period of the contract without any fault on the part of the hirer. Provisions governing exchange of various kinds of grains point to the wide prevalence of exchange when money was scarce. All these provisions are now obsolete.

The provision governing loans of money contained in the *Thesawalamai Code,* although now obsolete, gives a student of law an insight into the extent of the influence of Roman Dutch Law. The limitation that interest should never exceed the capital is found both in Thesawalamai and the Roman Dutch Law. (*Thesawalamai Code* IX 1; Vander Linden's *Institutes* p. 219).

Where there are several co-debtors, the law of suretyship, as found in the Thesawalamai, allows the creditor to take satisfaction from the debtor whom he meets first. This provision is also found in Hindu Law.

In modern times the law of suretyship applicable, to persons governed by the Thesawalamai, is the Roman-Dutch Law since these provisions in the Thesawalamai are now obsolete. The Married Women's Property Ordinance which took away the privileges conferred on a married

woman by the two *Senatus Consulta, the Senatus Consultam Vellianum* and the *Senatus Consultam Authentica si qua Mulier* which prohibited wives from becoming sureties to their husbands do not apply to women governed by the Thesawalamai.

Some of the main concepts of the law of Thesawalamai have been examined. An attempt has been made to show that the Thesawalamai has little in common with the *Dharmasastras.* Eminent scholars such as Ganapathy Iyer and Mayne have found that the *Dharmasastras* is indebted to the Indian Customary Law in developing some of its fundamental concepts. These scholars refer to the Thesawalamai as a pure form of Customary Law of the Tamils who migrated from India. It is unadulterated by the recondite mysteries of the *Dharmasastras.* These scholars are of the view that the joint family system, adoption and marriage as known to Hindu Law take their roots from Indian Customary Law. Scholars like Dr. Derrett who have made a profound study of the original sources of *Dharmasastras* and Indian Customary Laws are of the view that *Dharmasastras* never developed the clear and settled principles of Indian Customary Law, and hence to comprehend the Hindu Law, the study of the *Dharmasastras* and the Indian Customary Law are complementary. Dr. Derrett is also of the view that the study of Indian Customary Law helps a scholar to interpret some of the obscure texts of the *Dharmasastras.*

The study of the Thesawalamai and the customary laws of the Tamils of Ceylon and South India will throw abundant light on Indian Customary Law.

The future of Thesawalamai is uncertain. With a stroke of the pen it may be abolished. Legislation may, in the process of amending the Law, exterminate it. Hence this system of law which has governed the destinies of the Tamils of North Ceylon may vanish in the near future.

Review

தென் இந்திய வரலாறு, டாக்டர் கே. கே. பிள்ளை, (பழனியப்பா பிரதர்ஸ், சென்னை) ரூ. 2.25.

As far back as 1919 Vincent Smith observed that 'hitherto most historians of ancient India have written as if the South did not exist'. Though of late this imbalance in the study of Indian history has to a large extent been redressed, yet, as is noted by Sri Prakasa (one time Governor of the Madras State, and presently of the State of Bombay) in his Foreword to this work (p. 2), the average educated North Indian has a very scanty knowledge of the history and culture of the southern half of the country. Recent archaeological excavations undertaken in South India and the inter-relation of evidence available with that in the adjacent countries of East and West Asia has enabled the construction of a reasonably clear picture of South India's past. But this is yet the possession of the serious and devoted scholar and is not available to the laymen in easily digestible form. A noted advance was made in this direction when Professor K. A. Nilakanta Sastri, the doyen of South Indian History, published in 1955 *A History of South India,* a comprehensive account of the history of the whole of South India treated as a single geographical entity. With the increasing emphasis on the national languages and the necessity to provide the best available knowledge through the medium of the languages of India, it became imperative that writings of a scientific nature be undertaken in these languages also. They had to be done by those who were primarily specialists in the subjects they were tackling and secondly could handle these subjects in the medium of the particular national language they were using. In both these respects Professor K. K. Pillay is admirably fitted to write this comprehensive work in Tamil on the history of South India.

The author in his preface defines his concept of history as a study of the life, habits and culture of the people in any society. He promises then to eschew detailed narratives of wars and conquests and to provide only a basic political framework with which to understand social and economic life. While this is a most commendable aim, it has to be admitted that for the latter to fall into place, the major political landmarks in a people's history must first be established. In certain periods of South Indian history, we are yet in the realm of conjecture with regard to certain basic political facts. Within these obvious limitations, Professor Pillay always shifts the emphasis on providing us with information on social life, religion, art and architecture and such themes and this is a refreshing quality which pervades the whole work.

He opens with a description of the geography of India south of the Deccan and then goes on to a discussion of the pre-historic period of South India. This is in many respects the most difficult chapter to write and the author has skilfully brought together the major discoveries that have been made in the last century or so of South Indian archaeology. Then he splits up his subject into various convenient periods such as the Age of the Mauryan Empire, the Sangam Age, the period of the rise of South Indian Kingdoms and the later Cholas and Chalukyas. A separate chapter is devoted to the Hindu revival of the 6th to 9th Century A.D. and in the last chapter is brought together the external influences exerted by South India culture in the neighbouring countries of Asia. Four maps and a few well-selected illustrations of architecture and sculpture of the area under review serve as useful aids to the reader.

Professor Pillay has thus made available to the reader in Tamil the most up to date information on the history of South India. We hope this is only the beginning of a series of such and other more specialised writings in the Tamil language.

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S. ARASARATNAM

News and Notes

TAMIL IN LENINGRAD

The following is an extract from a letter written by Mrs. M. Athilakshmi, Professor of Tamil and Telugu, Oriental Faculty, Leningrad State University :—

"I like to bring to your notice that I am not in Moscow, though there are also students learning Tamil in that University. I was told that Mr. Krishnamurty, who is working as a translator is teaching in the evenings. But here in Leningrad where there is a good tradition of Indian studies dating back more than one hundred years, Tamil has been treated as a special language, to be taught and studied for five years for students who have completed ten years of schooling. It is a regular course, and the students have examinations once in six months as in every other branch of study. The first year students who study Tamil as their special subject, are now able to read simple texts. They having gone through the trials of pronunciation are now able to pronounce almost well. They know to recite a few songs of Bharati. From next year (the Academic year begins in September) they will be acquainted with the history of Tamil literature, and read selections from Tamil works of different ages. The students are showing immense interest and are inquisitive to know everything about the ancient but living language as they often call Tamil.

There is a grammar on Tamil 'GRAMMATIKA TAMILSKOVA RASGOVORNOV YAZIKA' (Grammar

of the spoken Tamil language) in Russian by A. M. Mervarth, published in Leningrad in 1929 (228 pages).

Before my coming itself Tamil was taught as a second language to students specialising either in Hindi or Bengali. Those students are acquainted with the principles of grammar, and are able to translate from Tamil to Russian, with the help of a dictionary. It was Semyon Rudin who started the teaching of Tamil in 1956. He learnt by himself with the help of books. He is a good lover of Tamil. He also graduated from the Indian Philology Department of Leningrad University, his subjects being Hindi, Urdu and Bengali. But now he concentrates on Tamil. He has taken the Tamil name—' Sembian URudian '. He is also teaching Tamil in our university. Besides he is compiling a Tamil-Russian dictionary together with another Russian Tamil scholar of Moscow, Mr. A. M. Pichigorsky (his Tamil name Aingundran).

In Moscow there are three more philologues who know Tamil and are interested in Dravidian studies : Y. R. Glazov (glaz means eye, so he is called Kannan) who is making a special study of KURAL and is attempting to translate it I suppose. A. M. Pichigorsky is interested in the Philosophy of the Tamil works, whereas another lady scholar I. SMYRNOVA seems to be interested in the literary history of Tamil. Recently her essay *A Short Survey of Tamil Literature upto the XIX Century* was published in a publication entitled ' LITERATURI INDII '.

Besides Tamil, Telugu is also studied, both in Leningrad as well as in Moscow."

Address :

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THE TAMILS IN CEYLON

An Association with the object of carrying on intensive research into the history of Ceylon with special emphasis on the contribution made by the Tamil people for the growth and development of Ceylon throughout the ages, was inaugurated at a conference held at Jaffna Central College with Mr. S. U. Somasegeram in the chair. The conference was attended by judges, lawyers, history teachers from various schools in the Northern Province and others interested in historical research.

At the outset, Mr. Somasegeram, Inspector of Schools, Northern Province, in explaining the object of the conference, said that it was very necessary for the Tamil students to know the history of their own peninsula before they attempted to read and understand the history of the country. Some attempts were made thirty years ago to present to the world the history of the Ceylon Tamils and many of the valuable books written by the then scholars were now out of print. Books written in recent times by some interested people seemed to under-estimate the contribution made by the Tamil people for the growth of Ceylon history. In that context it was imperative that teachers and others interested in history should carry on intensive research into the history of Ceylon so that the people at large would understand the true history of the island and the contribution made to it by the Tamil people from times immemorial.

Kalaipulavar K. Navaratnam, speaking on 'History and Research', quoted chapter and verse from books published in recent years to show how historic truths were being distorted. In a recent publication entitled 'Classical Sinhalese Sculpture' (by the Assistant Commissioner of Archaeology, Mr. D. T. Devendra), Mr. Navaratnam pointed out, the author seemed to maintain that the name "Sita" was an anglicised pronunciation and the story of Ramayana should have emerged after the arrival of Europeans in Ceylon. He further asserted that there was no trace of

anything to prove Ceylon's connection with the Ramayana. Mr. Navaratnam said that there were temples for Vibhishana at Kelaniya and other places and Vibhishana was still being worshipped by the Sinhalese as one of their patron deities. Place names like Sita Eliya, Sitawaka, Sitawewa, etc., and the worship of Vibhishana from prehistoric times all went to show Ceylon's connections with the Ramayana epic. But, in spite of all these, Mr. Devendra's book published in London told the world at large that there was no trace in Ceylon to prove the island's connection with the Ramayana. He regretted very much that the writer had mentioned the name of Sita in irreverent terms in his book.

Mr. Navaratnam went on to say that efforts were being made to convince the world that Buddhism and Sinhalese meant one and the same thing. Referring to the contention that a Buddha statue was found at Kantherodai and, therefore, the statue should be a specimen of Sinhalese sculpture, Mr. Navaratnam said there were as many Buddhists among the Tamils as among the Sinhalese upto the seventh century and the statue found in Kantherodai should have been the work of Tamil Buddhists rather than Sinhalese Buddhists. If they were to believe that wherever Buddha statues were found the place should have been inhabited by the Sinhalese, the whole of South India should have been a Sinhalese colony upto the end of the seventh century A.D. for Buddhism flourished there upto the Pallava period in South Indian history. Even the authors of Manimekalai and Silappathigaram should have been Sinhalese. The absurdity of the argument was too obvious for any further comment. In conclusion, Mr. Navaratnam emphasised the urgency of an association to carry on intensive research into the island's history in order to tell the world the true facts.

Mr. K. V. S. Vas, Editor, *The Virakesari* who addressed the conference on special invitation, said that history was nothing but a statement of facts in chronological order and truth and faithfulness were essential qualities of anything

that went by the name of history. But unfortunately, the tendency with some of the history writers to-day seemed to be to view historical facts from a communal angle with the object of laying more emphasis on the contribution of a particular community than that of others in the development of the country's history. It was indeed a sorrowful state of affairs. He pointed out that Dr. S. Parnavitarne, Professor of Archaeology of the Ceylon University, in his recent book, " The God of Adam's Peak ", had endeavoured to throw overboard the belief connected with the footprint on the Peak and establish that it was the footprint of Yama or Dharmaraja. The sloka quoted by the learned professor from Santhiparva in the Mahabharatha to prove his contention had a meaning very different from the meaning attached to it by him. Nowhere in the birth place of Hinduism, India had ' Sri ' been described as the consort of Yama. On the other hand specific mention of Yami as the consort of Yama could be found in many places. If the learned doctor believed that Yama was a Vedic God and not Vishnu, then Yama was only two-fifth Vedic as Vishnu, for Vishnu had five slokas to his credit in the Rig Veda and Yama had only two. Wherever the name of Vishnu was mentioned in the Rig Veda he was described as the ' Supreme God who measured the universe with three footprints ', namely, Thrivikrama. He was supposed to have measured this earthly world by one foot and the existence of only one footprint and not two in Adam's Peak was very significant. Again, Mr. Vas went on to say, that of various religions in the world, there was only one religion which attached great importance to the worship of the footprint—the Vaishnavite faith. In every Vishnu temple, big or small, whether in India or in any part of the world, including the Perumal temple and Vallipura Alvar temple in Jaffna, one could notice the Satagopam or the impression of the footprint of the presiding deity placed at the foot of the deity which received pride of place in the daily poojas. It was to that footprint that poojas were first performed before they were done to the deity itself. That was not all.

On the day of Sri Jayanthy, a celebration connected with the birth of Krishna believed to be an incarnation of Vishnu, Hindu households would be decorated with the footprints of Vishnu. The worship of footprint by the Hindus was not a practice of yesterday or of a few hundreds of years. It was a practice from time immemorial dating back to the epic period in Indian history. The Ramayana mentioned the coronation of the padukas of Rama and Rama's sandals ruled the country for fourteen years until the return of Rama from his exile. It was agreed that the Vibhishana cult was in existence in Ceylon before the introduction of Buddhism during the reign of Devanampiyatissa. The very story of Vibhishana centred round his surrender at the feet of Rama, which formed the basic philosophy of Vaishnavitism. The Vibhishana cult and the worship of Vishnu, the importance attached to the footprint of the Lord by the Vaishnavites, the mention in the Mahavamsa of Vijaya having seen Adam's Peak from the sea before he landed in Ceylon, the prevalence of Vaishnavitism in North India during the Bimbisaran period (a contemporary of Buddha) all lend evidence for the belief that the footprint on the Peak should be of Vishnu and certainly not of Yama, a tutelary deity who at no time in the long history of India and Hinduism was ever worshipped as a God nor had he any temple in any part of India, the birthplace of Vedas and the Vedic religion.

Continuing, Mr. Vas emphasised the importance of founding an association with the object of conducting research into the ancient history of Ceylon in an objective and impartial manner.

Mr. Handy Perinbanayagam, Principal, Hindu College, Kokkuvil, and Mr. Ambigaibagan, Principal, Vaideeswara Vidyalaya, also spoke. A resolution inaugurating the History Association was unanimously adopted. Mr. Somasegeram was elected President, Mr. K. Navaratnam and Mr. Ambigaibagan, Vice-Presidents, Mr. C. S. Navaratnam and

Mr. V. K. Nadaraja, Joint Secretaries, and Mr. T. Srinivasagam, Treasurer. A Committee was also formed, with power to co-opt more members.

—*The Hindu*

TEMPLE CITY OF ANGKOR

President Rajendra Prasad and the Cambodian Prime Minister, Prince Norodom Sihanouk, returned to Phnom Penh after visiting the ancient Cambodian temple city of Angkor, four miles from Siemreap.

The Indian President evinced keen interest in the bas reliefs of Angkor Wat, the rectangular temple of three storeys with towers, porticos, galleries and stairways. He climbed to the second floor of the temple to pay homage to the statues of Buddha and offered a bouquet of lotus flowers and a tray of " romduol " flowers which bloom and emit their scent after nightfall.

" I am very much impressed by the beauty of Angkor and the grandeur and nobility of its typically Cambodian art ", the President said afterwards. He made a gift of Rs. 2,000 for the maintenance of this monument.

Sprawling across an area of five square miles, the temple-studded Angkor was the capital of Khmer kingdom between the 9th and 12th centuries.

Earlier in the day, the President flew into Siemreap, about 350 miles from Phnom Penh, by a Royal Cambodian plane.

Temples, many dedicated to Hindu Gods Shiva, Ganesh and Vishnu and the Buddha, were floodlit when the President visited them.

Most of the temples are exactly like South Indian temples with huge 'mandaps', Pali inscriptions and rows

after rows of dancing *Apsaras* and with a Pallava touch. These, as well as a number of other temples and monuments, numbering 600, built in sandstone, are scattered in the midst of a tropical forest from majestic Angkor to Bente Serai, about 20 miles from Siemreap.

—*The Hindu*

THE MADRAS STATE TAMIL DEVELOPMENT AND RESEARCH COUNCIL

The following draft order which is proposed to be issued in respect of Medium of Instruction in Colleges is circulated to Members for information.

DRAFT G. O.

Subject : Colleges—Medium of Instruction in Colleges—Change over to Tamil in the reorganised B.A. Degree courses—Orders—Passed.

Government have had under consideration the question of medium of instruction in Colleges for a long time now. It was decided long ago that, as stated in the Government memorandum submitted on the report of the Official Language Commission, it should be an objective of educational policy to bring about the progressive development of the regional language for use as the medium of instruction at every stage of education, not excluding the highest. The policy of Government in the matter has been stated thus in the answers given to the Questionnaire of the Official Language Commission " to adopt the regional language or mother tongue as the medium of instruction at the secondary stage and also to make possible the adoption of the regional language as the medium of instruction at the University stage ". But Government have not been unaware of the difficulties in implementing the latter part of this policy, chief of which are the great paucity of the necessary literature in the various fields of knowledge and the paucity of teachers qualified to teach in the language. In the Memorandum submitted by the Government to the Official Lan-

guage Commission, the attitude of Government (which was endorsed by leaders of all parties in the Legislature) was formulated as below :—

"There is a conflict requiring reconciliation, between two different objectives, viz., the need for raising higher educational standards and the need, also, to develop the potentialities of the mother-tongue as the vehicle of culture. The Government of Madras have not yet taken a decision on how this reconciliation is to be effected. Present indications are that the answer will have to be found.

I. First, in making a distinction within the field of higher education between scientific and professional education and education in the "Humanities", and, on the basis of this distinction (a) taking active steps to bring about an early change in the medium of instruction in colleges so far as the latter is concerned ; and (b) continuing to use English as the medium of scientific and professional instruction in colleges, at any rate, without change until 1965 ; and

II. Secondly, while continuing to maintain English as the Second Language and subject of compulsory study in Secondary Schools, to undertake all practicable measures for improving the efficiency of instruction in the study of that language."

2. This question was discussed by the newly constituted Tamil Development and Research Council where the view that a beginning should be made with Tamil as the medium of instruction in the reorganised B.A., degree courses found almost unanimous acceptance. The question has been further discussed with the Vice-Chancellors of the two Universities in the State and *their advice taken.* As a result of these discussions, Government wish to reaffirm explicitly their policy in the matter as set out in the Memorandum presented to the Official Languages Commission and declare that English will continue to be the medium of instruction in respect of all University degree courses except the reorganised B.A. degree courses and that no change in this respect will be considered, until the two following conditions are satisfied, viz., (i) the change-over should

be demonstrated to have been successful in respect of the B.A. Degree Courses ; and (ii) An agreed decision on the nature of the changes (if any) to be made in respect of any other University Degree course should be taken on a co-ordinated basis for all Universities in India.

3. The medium of instruction of the reorganised B.A. degree courses in the State will accordingly be changed to Tamil. It is obvious that the best time schedule for this change will be one which will link it with the reorganisation of Secondary Education. This is due to commence in the academic year 1959-60 and the first batch of pupils admitted to the New VIII standard during that year will complete — the new XI standard in the Higher Secondary School (as the equivalent of the Pre-University Course in Colleges) in 1962-63. Those students of this batch who are declared eligible for admission to the B.A. degree course, will therefore constitute the first batch of pupils for whom instructions will be available in the Tamil medium in the Colleges of the State. That is to say, the change will be made from English to Tamil as the medium of instruction in the B.A. degree course during 1963-64 for the first year of the course, during 1964-65 for the second year of the course and during 1965-66 for the third year of the course. At the end of the Third Five Year Plan, the first batch of pupils will get their B.A. degrees after completing their entire education in schools and college with Tamil as the medium of instruction.

It will be open to private colleges to continue to provide English Medium instruction in the B.A. degree courses even after this change-over is effected ; but no grant will be payable by the State Government in respect of such courses.

4. Government wish to make it clear that the study of English as a subject will continue in the new Tamil medium B.A. degree courses and emphasize that the standard in this subject will be, as it is at present, the same as in Part I of the reorganised B.Sc. degree courses.

5. In order to commence the change-over during the year 1963-64 all necessary preparations will have to be completed before

the end of 1962-63. The adequacy of these preparations should be demonstrated by the fact that those who have made the preparations have actually succeeded in providing the instruction in Tamil successfully for all the three-years of the B.A. degree course; Text-books, Technical Terms, Instructional machinery, and procedure should be evolved in the actual process of imparting instruction in the Tamil medium. To this end, a "Pilot College" will be organised. The change-over will be introduced in the first year of the B.A. degree course during the year 1960-61 in the "Pilot College" and extended to the Second year and Third year in the same College. In the process of imparting instruction in the Tamil medium in this college, all the preparations necessary for the change-over to be made throughout the State during the year 1963-64 will also be carried out. Government have decided that the Government Arts College, Coimbatore, will be the "Pilot" college where the change over will be introduced in 1960-61.

6. Government are anxious that the pupils taking the Tamil medium B.A. degree course in the Pilot College in 1960-61 should not entertain the apprehension that their future prospects will be adversely affected thereby. To this end, Government wish to give the assurance that these pupils will not only have equal opportunities with others in regard to admission to post-graduate courses, employment under the Government of India, etc., but will also be given special preference in the matter of selection to suitable appointments under the State Government and in quasi-Governmental agencies.

7. To advise them on the implementation of this policy and to plan the various preparatory measures to be undertaken in order to introduce the Tamil medium in the Pilot College in 1960-61, Government appoint a committee to be known as the 'College Tamil Committee' consisting of the following members.

(1) Sri G. R. Damodaran, Principal, P.S.G. & Sons Charities, College of Technology, Peelamedu —*Chairman.*

(2) Sri V. A. Devasenapati, Reader in Philosophy, University of Madras.

(3) Sri K. R. Applachari, M.A., L.T., Principal, V.O.C. Training College, Tuticorin.

(4) Sri S. Velayudhan, Chief Professor of Economics, Presidency College, Madras.

(5) Sri T. P. Meenakshisundaram, Head of the Department of Tamil, Annamalai University, Annamalainagar.

(6) The Principal of the Government Arts College, Coimbatore,

and three other members to be co-opted by the Committee. Sri V. Kannaiyan, Secretary of the Tamil Development and Research Council, will be the Secretary of the Committee. The necessary staff to assist the Committee in its work will be appointed in due course.

8. The Committee will consider the following points and advice Government on them :

(i) The mode of selection of pupils for the B.A. degree courses in the Pilot College. It is necessary that pupils should be chosen from every district and should be the best among those, who, being eligible for admission to the B.A. degree course decide to take that course.

(ii) The selection of staff to conduct the new courses— The staff or Professors and Lecturers for the various subjects of the B.A. courses in the Pilot College should be specially got together so as to comprise an organised team which will be competent to impart instruction in the Tamil medium. Even though the Pilot College will be a Government College, the selection of staff for these courses need not be confined to people in Government service and the choice should be from as wide a circle as possible so long as the persons chosen possess the qualifications prescribed by the University. The Committee might prepare a list of suitable persons to take up the various subjects of the B.A. course from which Government could choose the members of the staff to run the new courses.

(iii) Preparation of text books and lecture notes for the new courses.

(iv) Technical terms to be used in the new courses—As far as possible, well known international terminology should be used subject to such adaptations as may be necessary. Well known Tamil terms may also be used but it would be desirable in such cases to have the international terms also indicated in brackets.

(v) Any other matter relevant to the conduct of the Tamil medium B.A. courses.

9. The Committee will be free to consult all persons whose advice and opinion in the matter will, in its opinion, be useful. The first report of the Committee may be submitted to Government in three months.

10. The Committee will be a first class Committee for purposes of Travelling Allowance and Daily Allowance.

List of Books Received

on Complimentary and Exchange Basis in June 1959

Bulletin of the Government Oriental Manuscripts Library, Madras, Vol. XI, No. 2.

Bulletin Institute for the Study of the U.S.S.R.—February, March and April 1959.

Boctokobelehnr : No. 1/1959.

Bollpocbi : No. 2/1959.

Boctok : Nos. 2 & 3/1959.

Cobetckoe : No. 6/1958.

Chinese Literature : Nos. 4 & 5, 1959.

Diogenes : Nos. 23 & 24/1958.
and No. 25/1959.

East and West : Vol. 9, No. 4, December 1958.

Quest : April-June 1959, 21.

Rumanian Review : No. 1/1959.

Rumania Today : Nos. 3 & 4/1959.

Soviet Affairs Analysis Service No. 92.

The Aryan Path : Vol. XXX, June 1959, No. 6.

The Indian P.E.N. : Vol. XXV, Nos. 5 & 6, 1959.

The University of Kansas City Review : Vol. XXV, March 1959, No. 3.

Values : Vol. IV, June 1959, No. 9.

World Student News : Nos. 3-4, 1959.

தமிழ்ப் பொழில் — மலர் 2.

Transliteration of Tamil Phonemes* into English

VOWELS

அ	—	a	(as in among)
ஆ	—	a:	(,, calm)
இ	—	i	(,, sit)
ஈ	—	i:	(,, machine)
உ	—	u	(,, full)
ஊ	—	u:	(,, rule)
எ	—	e	(,, fed)
ஏ	—	e:	(,, able)
ஐ	—	ai	(,, aisle)
ஒ	—	o	(,, opinion)
ஓ	—	o:	(,, opium)
ஔ	—	au	(,, now)

CONSONANTS

				Hints re: articulation
Hard[1] (Plosive)	க	—	k	(as in king, angle, alhambra)
	ச	—	c	(,, church, angel, calcium)
	ட	—	t:	(,, card ?)....Retroflex - articulate with **blade** of tongue.
	த	—	th	(,, threat, this, thick)....dental.
	ப	—	p	(,, pipe, amber)
	ற	—	t	(,, atlas, sunday, arrears)..Retroflex- articulate with tip of tongue.
Soft (Nasal)	ங	—	ng	(,, sing)....velar n
	ஞ	—	nj	(,, angel)....palatal n
	ண	—	n:	(,, urn ?)....Retroflex n - articulate with **blade** of tongue.
	ந	—	nh	(,, anthem)....dental n
	ம	—	m	(,, mate)
	ன	—	n	(,, enter)....Retroflex n - articulate with **tip** of tongue.
Medium (non-nasal continuant)	ய	—	y	(,, yard)
	ர	—	r	(,, red)
	ல	—	l	(,, leave)....Alveolar l - articulate with **tip** of tongue.
	வ	—	v	(,, very)
	ழ	—	l-	(,, ?)....Retroflex l - articulate with **blade** of tongue.
	ள	—	l:	(,, hurl)....Alveolar l - articulate with **blade** of tongue.
Auxiliary[2] (ஆய்தம்)	ஃ	—	x	(,, ahead)

* The Tamil phonemes may for practical purposes be treated as having single allophones only, except in the case of the hard consonants which have four allophones each, as shown in note 1 on the reverse.

1. The Phonemes, classified as *hard*, have normally an *unaspirated unvoiced* value but acquire the following modified values if preceded by a consonant:—

   (a) a *slightly aspirated* unvoiced value, if preceded by a *plosive or hard consonant.*

   e.g., பக்கம் – is pronounced pakkham, not pakkam

   (b) an unaspirated but *voiced* value, if preceded by a *nasal or soft consonant*:—

   e.g., பங்கம் – is pronounced pangam, not pankam
   பஞ்சம் – „ panjam, not pancam,

   (c) a *fricative* value if preceded by a *non-nasal continuant or medium consonant or by the auxiliary consonant.*

   e.g., பல்கலை becomes palhalai not palkalai
   எ:.கு „ ehhu not exku

NOTE.—In most present day dialects, the plosive assumes a fricative —sometimes a voiced—value after a vowel also, except in the case of t : which retains its normal unaspirated, unvoiced value even after a vowel.

2. The value of this *auxiliary* phoneme, which must *always* be followed by a hard consonant, was variable during the time of Tholkappiam; it acquired a phonetic value identical with that of the following hard consonant, vide 1 (c) above,

   e.g., எ:.கு became ehhu

   Later its value became fixed as h, irrespective of the following consonant.

Note. (i) With a view to keep down transliteration to the minimum it is suggested that, in the case of Tamil words which are already in free use in English (e.g., Tamil = Thamil), or where it is unnecessary to indicate the exact pronunciation, accurate transliteration need not be resorted to. In the case of proper names etc., which occur more than once in the same article, the transliteration need be shown only once in brackets side by side with a free English adaptation, the latter alone being used subsequently, except of course in cases where such a procedure will lead to ambiguity,

e.g., வேங்கடம் = Vengadam (Ve : ngkat : am).

(ii) Reference may be made to *Tamil Culture*, Vol. IV, No. 1 (January 1955 issue) pp. 58-73 for fuller details.

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C. AMRITAGANESAN,
Publisher.

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THE TAMIL SCRIPT

(This table is given for the guidance of those who wish to read Tamil texts which often appear in TAMIL CULTURE)

Vowels	Vowel symbols attached to preceding consonant.	Hard consonants						Soft consonants						Medium consonants					
		k	c	t:	th	p	t	ng	nj	n:	nh	m	n	y	r	l	v	l–	l:
அ a	nil	க	ச	ட	த	ப	ற	ங	ஞ	ண	ந	ம	ன	ய	ர	ல	வ	ழ	ள
ஆ a:	ா to the right of the consonant	கா					றா			ணா			னா						
இ i	ി to be *joined* at the top—right of consonant	கி																	
ஈ i:	ீ to be *joined* at the top—right of consonant	கீ																	
உ u	a semi-circle ◡, a vertical stroke ׀ or a loop ◡ to be *joined* to the bottom	கு	சு	டு	து	பு	று	ஙு	ஞு	ணு	நு	மு	னு	யு	ரு	லு	வு	ழு	ளு
ஊ u:	Same as for u, but with an additional stroke or loop	கூ	சூ	டூ	தூ	பூ	றூ	ஙூ	ஞூ	ணூ	நூ	மூ	னூ	யூ	ரூ	லூ	வூ	ழூ	ளூ
எ e	ெ to the left of the consonant	கெ																	
ஏ e:	ே to the left of the consonant	கே																	
ஐ ai	ை to the left of the consonant	கை								ணை			னை			லை			ளை
ஒ o	ெ to the left & ா to the right of the consonant	கொ					றொ			ணொ			னொ						
ஓ o:	ே to the left & ா to the right	கோ					றோ			ணோ			னோ						
ஔ au	ெ to the left & ள to the right	கௌ																	
மெய் pure consonants	A dot · on the top of the consonant	க்																	

Note —(1) The vowels are written as shown in the first vertical column.

(2) The consonants are written as shown in the horizontal columns, with a symbol or symbols indicating the vowel immediately following A consonant followed by the vowel அ (a) has no symbol, while the pure consonant not followed by a vowel has a dot on top

(3) All the eighteen vowel consonants under க (k) are shown as a guide ; in other cases only the irregular forms are shown, the rest being exactly similar to those shown under க (k), excepting for trivial differences in a few cases which might safely be ignored.

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